

103
POW/MIA: WHERE DO WE GO FROM HERE?

Y 4.F 76/1:P 93/24

POW/MIA: Where Do We Go From Here?,...

HEARING

BEFORE THE

SUBCOMMITTEE ON
ASIA AND THE PACIFIC

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

FEBRUARY 10, 1994

Printed for the use of the Committee on Foreign Affairs



CONGRESSIONAL RECORD
DEPARTMENT

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Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-045899-4

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POW/MIA: WHERE DO WE GO FROM HERE?

THURSDAY, FEBRUARY 10, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
Washington, DC.

The subcommittee met, pursuant to call, at 10:15 a.m., in room 2172, Rayburn House Office Building, Hon. Gary L. Ackerman (chairman of the subcommittee) presiding.

Mr. ACKERMAN. The subcommittee will come to order. We apologize. We are running late. Before we do our opening statements, I would like to ask our first witness, the Honorable Robert Torricelli of New Jersey, the distinguished Chairman of the Subcommittee on the Western Hemisphere, who is our lead-off witness today. He has a hearing of his own. And we would like to not delay him any further, and ask him to testify at this time. Bob, welcome.

STATEMENT OF HON. ROBERT G. TORRICELLI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. TORRICELLI. Mr. Chairman, thank you very much. And for your, and Mr. Rohrabacher's, and Mr. Gutierrez' cooperation, I appreciate it very much. And I commend you for holding this hearing today.

President Clinton's decision last week to lift the embargo against Vietnam cannot weaken our commitment for full settlement of all outstanding cases of missing U.S. personnel. It is, I think we would all agree, as important now as it has been all years in the past to resolve questions regarding each and every one of those servicemen. No issue is more important with regard to our relations with Vietnam.

I hope this hearing will assist us in finding ways to continue pressure on the Vietnamese now that the embargo has been lifted. While this issue has received broad attention and justifiably so, there is another, another important issue that looms just over the horizon that must be addressed before normalization can proceed. And that is the question of compensation of American corporations and individuals who were left in 1974 with the fall of the government in Saigon with property that was expropriated, lost, and confiscated in violation of international law.

Many of these claimants, individuals, private property of U.S. servicemen, government contractors, and corporations remained in Vietnam until the last final days at the urging of the U.S. Government. Many of their original investments were made at the request of the U.S. Government. Many certainly stayed longer than sound

business judgment might have dictated. They did so out of a sense of obligation to the foreign policy and military objectives of the United States.

Now the question arises this many years later whether we will ignore their lost property, forget the seizure of their assets, and proceed to normalization, without asking that their claims be addressed.

In addition to a case of simple justice or protecting the interests of our citizens, there is for this committee's purposes a more profound foreign policy question. Sadly, the war in Vietnam will not be the last that the United States in our history.

If indeed we enticed these individuals, these servicemen, these corporations, these contractors, to go and then remain in Vietnam for that period of time, and then ignore their claims, it will be far more difficult in the future to ever entice any similar interest to ever do so again. It is clear that the U.S. Government will not defend their interests, and now ignores their claims.

The Foreign Claims Settlement Commission, which was established within the Department of Justice to adjudicate the claims of U.S. nationals against foreign countries, has examined this question of Vietnam claims. Beginning in 1980, the Commission took 6 years to painstakingly receive testimony and conduct hearings to determine the validity of these claims.

After hearing 534 Vietnam claims, 192 were found to meet the extensive evidence requirement of the Commission. These awards had an aggregate total principal value of \$100 million. The Commission allows for 6 percent simple interest, bringing the current equivalent value to over \$200 million for these private claimants.

These claims are legally valid. They are recognized by the U.S. Government. They were adjudicated. They were established. They simply remain to be paid.

Fortunately, the U.S. controls the means to achieve an equitable settlement. In 1975, the Office of Foreign Asset Control issued regulations pursuant to the Trading with the Enemy Act that froze all assets of the former South Vietnamese Government in U.S. financial institutions.

According to a 1983 survey, the total value of these blocked assets at the time exceeded \$150 million. I am told that the administration testified yesterday before a Senate committee that the value is approximately \$290 million.

Whatever the exact amount of the claims of the blocked assets, it is clear there are now more than enough sums to compensate each and every one of those private American interests for what they lost in 1975.

I trust that the administration will take prompt action on these claims. And I would strongly urge that it refrain from negotiating these claims in conjunction with the government's own set of claims against the Vietnamese Government.

And this remains the central issue. The line that could be drawn in potential U.S. Government claims is unclear. It could overwhelm all the private claimants leaving nothing. Indeed what is the extent of U.S. Government claims? All aircraft left behind, expenses of waging the war in Vietnam, U.S. military property. There is an inexhaustible potential list.

The historic practice has been to negotiate the public and private claims separately. In 1980, a GAO report that urged that the Vietnam claims be jointly pursued was strongly opposed at the time by the State Department.

In fact, the State Department reported that adoption of a GAO recommendation would make it extraordinarily difficult in many cases to conclude settlements of private claims on terms acceptable to the claimants.

Mr. Chairman, exactly. Pursuing these claims together is unnecessary, it is unwise, and it will compromise the interests of private American interests. I would urge the administration to seek full value of these claims for private citizens. Historically, the department has weighed several factors, including the strategic importance of reaching an agreement, the morality of obtaining justice for U.S. citizens, and the availability of funds.

Each of these points argues in favor or separate settlements, immediate settlements, and protecting private interests.

In the present case with Vietnam, there would appear to be no legitimate reason why the department would reverse its position and accept a figure that is less than the total principal and interest of the awards. There are currently more than sufficient funds to satisfy private claimants.

These cases have been adjudicated, I have suggested, and there is no strategic importance in accepting a lower settlement. The U.S. Government is the sole representative, and the only defender of our former soldiers and our Government contractors who have now lost their assets. I trust that the Clinton administration will argue in their favor and protect their interests.

I hope, Mr. Chairman, in the questioning that follows that the members of the committee will pursue several points with the administration that I think remain central to this issue.

One, that the administration establish again for the record exactly how much money is available to satisfy these private claimants. As I have informed the committee, I believe from their previous testimony that the number is approximately \$290 million, far more than necessary to settle the private claimants.

Second, the administration should respond to whether or not it intends to negotiate government and private claims together or separately. In other words, has the administration changed the State Department's previous judgment that they should be separated. And if so, why.

Third, what criteria the Department will use to negotiate with Vietnam to determine the percentages of settlement. Indeed, why should the private claimants be settled at any less than full value.

And perhaps more importantly, Mr. Chairman, that since there is sufficient money, and since the claims have been adjudicated, and because of the historic record, that there is no reason to proceed with normalization until there is a full and satisfactory settlement of all claims. There is no reason not to satisfy these private interests.

When these negotiations will take place and how vigorously they will pursue full and not partial payment remains in my judgment a final question that is worth pursuing, Mr. Chairman.

In any case, I commend you for holding these hearings. These individuals, who long ago left Vietnam, who believed that they were doing so because of the foreign policy interests of the United States, long ago only had the U.S. Government as their defenders.

Unless we receive proper answers today and a greater sense of commitment to these individuals, our former soldiers who left property behind, the only real defenders of their interests may be members of this committee. It is for that reason that I came here today. That I thank you for this opportunity to present testimony. And that I commend to you these suggestions on questions to advance to the administration.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Torricelli appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Mr. Torricelli. Your points are very, very well taken. And this committee will do everything that it can to raise those points at every appropriate level within the administration, and to try to follow through on all of the suggestions that you have so eloquently put before us.

Mr. TORRICELLI. Thank you, Mr. Chairman, and members of the committee; and if you would excuse me.

Mr. ACKERMAN. The witness is excused.

We will go back to opening statements first.

Today the Subcommittee on Asia and the Pacific continues its hearings on the questions surrounding our missing servicemen in Southeast Asia. Now that President Clinton has decided to lift the trade embargo on Vietnam, we must immediately move to ensure that Hanoi does not interpret this action to mean that it is off the hook on providing a full accounting of our missing Vietnam war heroes.

As we enter on this new phase of our relationship with Hanoi, I urge the administration in the strongest possible terms to remind the Vietnamese at every opportunity that we expect a full accounting of our POWs and MIAs. Indeed, we will be satisfied with nothing less.

Let me reassure the families and friends of those who are missing that they should not for one moment think that the U.S. Congress has written them off or forgotten about them or their loved ones. To the contrary, we must use our expanded presence in Vietnam to pursue this issue with renewed vigor.

I would emphasize that the lifting of the trade embargo should not be confused with the normalization of diplomatic relations. Before we contemplate that step, there must be a far more forthright response from Hanoi on the POW/MIA issue than we have had over the past 19 years.

When the Congress returns the week after next, I will introduce a resolution into the House of Representatives that reiterates our determination to secure a full accounting for each and every one of our missing men. And what falls within that resolution is the establishment of an office within the U.S. interest section in Hanoi that will be available to assist the families of our POWs and MIAs.

And I am inviting all of my colleagues on our subcommittee, and indeed on our full committee, to be original cosponsors of that resolution. I am confident that we will receive widespread bipartisan

support for this effort to remind Hanoi that we will not rest until the fate of all the men is known.

Mr. Rohrabacher.

Mr. ROHRABACHER. I would yield to Mr. Gilman.

Mr. ACKERMAN. Ben, would you like to speak?

Mr. GILMAN. With your permission, Mr. Chairman. I may have some intervening problems. If I could present my testimony as my opening statement.

Mr. ACKERMAN. We are always glad to accommodate the pressing schedule of the ranking minority member, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. And I appreciate Mr. Rohrabacher yielding.

Mr. Chairman, I want to thank you first of all for bringing together so many members of the POW/MIA community, so that they have an opportunity to share their thoughts with our colleagues with regard to the recent decision made by President Clinton to lift the trade embargo with Vietnam. And I am pleased to be able to join my colleague, the gentleman from New Jersey, Mr. Torricelli, who just testified in support of a full accounting.

Mr. Chairman, U.S. intelligence assessments accepted for many years and reinforced more recently by newly acquired information point out that officials of the Socialist Republic of Vietnam and the Laos People's Democratic Republic have been far less than forthcoming in providing our Government all of the information about U.S. personnel still missing from the Vietnam War.

And I still recall vividly when I first came to Congress in 1973 and made my first mission to that part of the world, and met in Laos with one of the leaders. They said yes, they may have information on hundreds, but they were not in a position to give us that information at that time. And we have still yet to receive that kind of information.

Accordingly, in a letter to President Clinton last week, many of my colleagues, and a number of my colleagues who are here today, joined with me to request that before lifting the trade embargo on Vietnam, that the President should reassure the American people, and in particular the POW and MIA families, that our own intelligence is not all that we desired and was not correct in many instances, but the President has not done so.

We also recommended to the President that he release a list of names of the missing and unaccounted for U.S. personnel for whom according to our intelligence Vietnamese and Laotian officials may have additional information. And in releasing such a list, we recommended to the President that he explain why he deems it appropriate to lift the trade embargo, notwithstanding the possibility that remains and information about the personnel identified on that list is still being withheld. And we again regret that the President did not heed our recommendations.

During the President's campaign for election, he pledged to the families and to the nation's veterans that there would be and I quote, "No normalizing of relations with any nation that is at all suspected of withholding any information on the POW/MIA issue."

For the past several months, the press has been reporting on the gratification that the administration has been experiencing regarding Vietnam's supposed cooperation. For this reason, including last

week's Senate passage of a nonbinding resolution, urging the President to lift the embargo, and reassurances from various distinguished Vietnam veterans, President Clinton lifted the embargo.

Permit me to point out, as I am certain that our families and veterans organizations pointed out to the President before he took that step of lifting the embargo against Vietnam, while there has been some activity in Vietnam on this issue over the last 12 months, only the remains of some three Americans previously unaccounted for have in fact been returned and identified since President Clinton took office.

In addition, if the administration needs to consult with distinguished Vietnam veterans about the question of remains, and Vietnam's cooperation in finding them, then permit me to call to the attention of our administration witnesses who may be here today a February 3 letter to the President signed by 70 former POWs, including our own colleague Sam Johnson, on this very issue. And if you will bear with me, let me read that brief letter. It is dated February 3, an open letter to President Clinton from former POWs.

"Dear Mr. President, we are deeply troubled by news reports that you may have an announcement to make on the trade embargo against Hanoi in a matter of days. You have also been quoted as saying that there are many distinguished veterans who think that the embargo should be lifted. As former American POWs of the Vietnam War, we urge you in the strongest possible terms not to take further steps to restore economic or diplomatic relations with Hanoi until you can certify that the Communist government there is being fully forthcoming in telling us what they know about our fellow POWs and MIAs who did not make it home with us in 1973.

"Mr. President, all of us who were held as POWs in North Vietnam know firsthand that there are no limits to what the Vietnamese will do to show that they are cooperating with the United States to account for our missing comrades. We consider ourselves experts at distinguishing between propaganda and results. As Dr. Kissinger once stated, Hanoi's leaders are duplicitous, and they will stop at nothing to achieve our goals. Your Honor, "Some of our fellow POWs died in captivity in Vietnam prisons, yet they have not been accounted for. Some of our crew mates became missing during the same incidents which we survived. They, too, have not been accounted for. Some were captured, and never heard about again. They have not been accounted for. Finally, a great many of our comrades never returned from Laos, even though we know that they survived their incidents.

"North Vietnam controlled Laos during the war. And yet they still have not accounted for a single POW captured and held in Laos during the way.

"And then there are those in Congress, who are urging you to lift the embargo as a means to get more information. Mr. President, such a recommendation is nothing but a submission to blackmail by Hanoi. Do not let yourself be manipulated on this issue. The only way to get Hanoi to unilaterally provide what they are withholding is to be firm.

"Do you really think that those of us who made it home would have been released if our Nation has not flexed its muscle during the December 1972 bombing campaign? Of course not.

"And while we certainly do not recommend military action, we do recommend that the sanctions continue until the Communists in Hanoi decide to be fully forthcoming in accounting for our fellow POWs and MIAs.

"Mr. President, we sacrificed precious years of our lives while in captivity. We survived, because we believed our country would not let us down by abandoning any hope that we had of firmly convincing Hanoi to account for the remaining POWs and MIAs who came into their possession or control during the war.

"Please do not tell us that crash site excavations and fragmentary archival documents should be the measure of success in judging Vietnam's cooperation to date. We know better. Sincerely."

It is signed by 70 POWs with a length of stay of imprisonment.

Mr. Chairman, as you can see, this issue is not about remains. It is about the families' trust in their government, and seeking and discovery the truth. Permit me to point out.

Is it true that when a live sighting investigation is conducted, that our people give the Vietnamese about 48 hours before visiting the area in question?

Is it true that when we are going to do a live sighting inspection, that we do not take measures to monitor activity at those locations prior to and after their visit?

When we conduct no notice or short notice visits of our Rocky nuclear weapon sites, we task our satellites to look before and after those inspections.

How can the search for POWs and MIAs be of the highest national priority if we do not take these kind of simple precautionary measures?

Is it true, Mr. Chairman, that we learn of a Vietnamese source who had information regarding live sightings, that our investigators ask Vietnamese authorities for help in finding that person and helping in arranging such a meeting?

Mr. Chairman, is it true that the qualification standards for our key personnel who are directly involved in investigating and reporting the task force commander, and detachment commanders in Hanoi, and Bientiam, and Phnom Pehn, and team chiefs of field teams, priority case investigation teams, and oral history interview teams do not include language fluency relevant to the country assignment, or experience in intelligence interrogation or criminal investigation, or area studies, or attache experience relevant to the country of assignment, or previous POW and MIA experience; and why are not those qualifications included?

Mr. Chairman, regrettably, the answers to all of these questions is yes. And accordingly, we must conclude that we have not been truly seeking the truth. At which point, the overriding question becomes why is that? Perhaps the answer to that question can be attributed to the POW and MIA elements in the Pentagon having recently been reorganized, reorganized under the political Office of POW/ MIA Affairs. Such a reorganization violates the principle of maintaining the independence of intelligence entities from any political influence or decision.

Our Government is based upon a system of checks and balances. Those who handle the cash are not supposed to keep the books and vice versa. So Mr. Chairman, if we find who wants to control both

the funds and the books, we might discover that our assets in the field are not delivering any significant dividends.

Mr. Chairman and my colleagues, for far to long our Nation's veterans organizations, the families of our POWs and MIAs, and ex-POWs themselves have been described by some as being unable to put the war behind them. Their fears, we are told, are ghoulish and driven by sorrow. And now due to the overwhelmingly evidence available to the public, I hope and I believe that that will change.

It is our responsibility to accelerate the process, the investigative process, by helping those who know the truth to step forward without fear or recrimination. The President has reached out his hand to the Vietnamese. Let us reach out ours to those Americans with heavy hearts, who have more information, and want to help our Nation to truly put the war behind us.

In conclusion, Mr. Chairman, while I have the greatest respect for my 62 colleagues in the other body, especially the seven who are Vietnam veterans, and one former POW who urged the President to lift the embargo, I would much prefer to rely on the advice of the 70 former POWs who are all Vietnam veterans, and who truly have expertise in this issue.

When they come forward to inform the administration that the Vietnamese are getting serious about searching for the truth, then I feel certain that our POW and MIA families and our veteran organizations will reach out to them and say yes, the war is finally over.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Mr. Gilman, thank you very much for your abiding, never-dying interest in this very tragic episode in our country's history, and for your very passionate and persuasive remarks before us today. Thank you.

Mr. GILMAN. Thank you.

Mr. ACKERMAN. Mr. Rohrabacher.

Mr. ROHRABACHER. I will make this statement very brief. The President lifted the embargo on Vietnam. Yet, to my knowledge, we received no guarantees that there would be progress on human rights, and we did not ask for any progress in human rights before lifting the embargo.

This administration has just given up the tremendous leverage that we had on South Vietnam by lifting the embargo. We did not get any human rights guarantees in return, and we have not had any guarantees or any evidence of further cooperation on the POW and MIA issue. This was a mistake on the part of this administration. And I believe it is just one more of many tragic mistakes that reflect what has happened with America's involvement in Southeast Asia.

It is regrettable. I think that basically our leaders have not lived up to the expectations and the morality of our own people once again.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you. Mr. Gutierrez.

Mr. GUTIERREZ. Thank you, Mr. Chairman. I want to thank you very much for calling this hearing. And I associate myself with your opening remarks.

This issue is one that interests and concerns me greatly. I have given this issue much thought. And I have also conferred with many people in my district who have strong feelings on this issue, and in some cases firsthand knowledge.

As you may know, there are many individuals in the Chicago area who have worked for years to put pressure on the Government of Vietnam to fully disclose all information and physical evidence regarding those Americans who were and may remain POWs or MIAs. Some of those concerned citizens are veterans who care deeply about their comrades. Others are family members, whose loved ones went to war but did not return.

It is out of respect for their commitment and in agreement with their concerns that I enter today's hearings with a deep reservation concerning the proposed lifting, and indeed the lifting of the trade embargo.

I am of the impression that an influx of American capital and financial expertise would represent a great reward to the Vietnamese Government as they look to modernize their economy. However, I am not certain that the actions of Vietnam to this point warrant such benefits.

Perhaps a closer relationship between our two countries could develop in the near future. But I believe that it should be incumbent on the Vietnamese Government to take constructive steps, if that is to become a reality.

I believe it is not in our best interests to forge a relationship at this stage when the process of disclosure is far from complete. All of us are interested in finally putting an end to the Vietnam War. I for one believe that the best way to put an end to the war is to find out all of the information of those who went to Vietnam, but did not return. I believe that we should close that chapter in our Nation's history before we move to another.

Thank you very much, Mr. Chairman.

Mr. ACKERMAN. Thank you. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you. And I really appreciate the leadership you have undertaken to especially call this very important hearing. And I have very strong mixed feelings about this issue, Mr. Chairman. And I suppose you might say that for the past several weeks that we have all been listening not only to the debates that have taken place in the other body, but the fact that there seems to be a very strong bipartisan support of the issue that the President recently has taken to lift the trade embargo against the Republic of Vietnam.

I say that I have very strong mixed feelings, because I suppose being one of the half of million soldiers who served in Vietnam, it is some very, very personal feelings about the situation, especially for the parents and families for all of these years that are still mourning the fact that they do not know whether their loved ones that they have been waiting for for all of these years, whether they are still alive or dead.

It is a question also of the strong influence, I suppose you might say, of corporate America, who say we better be there, or else the other countries are going to take advantage of the business opportunities that this country might offer.

The assumption also is the fact that the President has made this decision and that the Government of Vietnam will cooperate and assist in every way to find the MIAs or the POWs that are still missing there from during the war.

I want to hear from our good friend, the Assistant Secretary, Mr. Winston Lord, about this issue. And I very much want to know what kind of assurances that the administration is going to give, and the fact that this issue is not going to go away. And if the President has made this decision, that we are not going to let down not only the families, but as a basic policy issue in our country for all of these years. And to see that the POWs and MIAs will be fully accounted for. And I am looking forward to hearing Mr. Lord on this issue.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you very much.

Mr. FINGERHUT, a distinguished member of the committee.

Mr. FINGERHUT. I do not have an opening statement, Mr. Chairman. I simply applaud you for holding this hearing, and I look forward to hearing the testimony of the witnesses.

Mr. ACKERMAN. Thank you very much.

The Chair would like to announce that Secretary Lord is still at the White House, and is expected here shortly, and is desirous of having the administration and public witnesses testify at the same time. And inasmuch as the third panel consists of, I believe, nine witnesses, what we would do at this time is taken half of the private witnesses, and bring them up now, and break that third panel into two panels.

So we will call up the first half of the third panel. Mr. Michael Benge, former POW; Ms. Linda Gurganus, Chairperson of the POW/MIA Grassroots; Ms. Carol Hrdlicka, POW and MIA family member; and Mr. William LeGro, former Department of Defense official.

We will give you a moment to get settled, because we know you anticipated not going on as quickly as this. And we will also try to get your appropriate respective names in front of you, rather than somebody else's.

We will begin, unless there is any objection, from left to right. And we will begin with Mr. William LeGro. Welcome to our subcommittee. Please feel at ease and relax, and make yourself very much at home. And you may begin, as you will, sir.

STATEMENT OF WILLIAM E. LEGRO, FORMER STAFF INVESTIGATOR, SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. LEGRO. Yes, Mr. Chairman. First, I think that I should give you a brief summary of my credentials to address the POW and MIA issue. From April until December 1993, I was a special assistant to Major General Bernard Loeffke, the director of Task Force Russia. This was a Department of Army organization that was supporting the U.S. side of the U.S.-Russia Joint Commission on POW/MIA Affairs.

This task force searched for evidence, and analyzed information concerning the American POWs who may have been taken into the

former Soviet Union following World War II, the Korean theater of war, the Indochina War, or taken captive during the cold war.

The task force was reorganized, General Loeffke retired, and my position was eliminated in the reorganization.

During February and March 1993, I was engaged by the American Legion to analyze, summarize, and write a report discussing the final report of the Select Committee on POW/MIA Affairs of the U.S. Senate.

During the year 1992 from February to January 1993, I was an investigator on the staff of the Senate Select Committee on POW/MIA Affairs. I was a member of the team that concentrated on live sightings, and later prepared hearings on World War II, Korea, and the cold war for the committee.

As a private citizen, I followed POW/MIA matters closely from 1986, and became associated with POW activists, researchers, authors, organizations, family members, and some Congressman. For example in 1987, I consulted with Congressman Frank McCloskey of Indiana on a strategy for dealing with the POW/MIA issue.

As a consequence, Mr. McCloskey introduced a resolution recommending removing the POW/MIA matter from the Defense Department, assigning the responsibility to the Department of State, and placing it in the highest level in the Department of State.

From 1975 until 1977, I wrote for the U.S. Army of Military History, "Vietnam from Cease-fire to Capitulation". This book is regarded as the definitive military history of the last 2 years of the war.

I had returned to Vietnam in 1972 as the director of training of the U.S. Army Advisory Group until I was ordered to organize and head up the intelligence branch of the Defense Attache Office in Saigon. I performed this duty and the additional duty of chief of operations, plans, and training of the DAO Saigon until the evacuation at the end of April 1975.

These assignments enabled me to travel widely throughout Vietnam, South Vietnam, and I became familiar with the terrain and the situation in most of the provinces. As chief of intelligence, I was a senior military intelligence officer in South Vietnam, and I processed a number of reports of American prisoners of war still in captivity in the South.

I had served earlier as the G-2, the chief of intelligence that is, of the First Infantry Division, the Big Red One, for a year of combat in 1966 and 1967.

I had earlier been associated with Indochina matters as the desk officer for international plans and policy in the Department of Army, the Army staff.

Now relations between the United States and the Socialist Republic of Vietnam are rapidly improving. The process toward normalization of relations between the two former enemies was dependent upon Vietnam's cooperation in accounting for hundreds of Americans, who became missing during the course of the Indochina War, and whose fates are unknown.

All officials of the U.S. Departments of State and Defense, whose responsibilities included the POW/MIA question, testified that the Socialist Republic of Vietnam has cooperated to the fullest extent possible, and that normalization should proceed beginning with the

lifting of the trade embargo. The President accepted this advice, and the embargo has been lifted.

Unfortunately, and indeed tragically, the facts of the situation do not fit the rationale for the conclusion. The fact is that the SRV, which then called itself the Democratic Republic of Vietnam, as a matter of policy, kept hundreds of Americans in separate facilities, out of communication with POWs that it released in 1973.

There is a large and solid body of evidence to support this conclusion. Without question, many if not most of these Americans perished during their captivity, but some may survive today. For the United States to lift the embargo is one thing. And this act may have been completely justified on economic, political or humanitarian grounds. But to move rapidly toward the normalization of relations as a reward for Vietnamese cooperation, and in the process abandon the missing American warriors and the hopes of their families is unconscionable.

Stated as briefly as possible, my view of the background of the Indochina POW/MIA situation is this. During February and March 1973, in Operation Homecoming, the DRV released to the U.S. control 591 American POWs. This number included men held in the DRV prison system in and near Hanoi, a few released by the National Liberation Front, that is the Viet Cong, at Loc Ninh in the South, and nine men who had been captured by North Vietnamese forces in Laos. The total also included a few civilians, including Mike Benge.

All American officials concerned with the matter, civilian as well as military, at the time had expected a far greater number to be released. Serious consideration was given to suspending the American withdrawal from South Vietnam until an acceptable accounting was produced by the Communists, but this action was swiftly aborted.

The United States' national policy became "they are all home." This is a policy that has influenced all of the official analyses of the hundreds of reports of Americans sighted in captivity throughout Indochina after the conclusion of Homecoming. It is this policy that gave rise to the mind set to debunk cited in official criticisms of the flawed analyses of POW reports conducted by the Defense Intelligence Agency.

This policy influenced the evaluation of all kinds of intelligence reports on POWs—communications intercepts, satellite photography, documentary evidence such as the recently exposed Russian documents, and the testimony, often under polygraph, of hundreds of Vietnamese refugees, ex-officials, ex-officers, and even ex-Communist officials and third country nationals.

Our Government insisted that those who had not come home were dead, and declared them to be so in presumptive findings of death. Meanwhile, the United States imposed a trade embargo, and refused to engage in discussions toward normalization until the Vietnamese came forth with a full accounting of our MIAs. The full accounting demanded of the Vietnamese discounted entirely the possibility that POWs remained alive after Homecoming. It meant only, "Tell us where the bodies are."

This brings us to the current situation that I will describe as follows. The United States deployed to Vietnam Task Force Full Ac-

counting. For 2 years, this military unit has conducted field investigations of airplane crash sites and suspected American grave locations throughout Vietnam, Laos, and some attempts in Cambodia.

It has succeeded in recovering some fragments of remains which it transferred to the U.S. Army Central Identification Laboratory in Honolulu for identification. Despite truly heroic efforts under the most trying conditions in remote, extremely difficult terrain and weather, the Task Force had resolved only a few cases.

Another Defense Department entity has investigated live sightings, the term attached to reports of Americans in various degrees of control or captivity throughout Indochina after Homecoming. The validity of these live sighting investigations is questionable, because most were conducted months and years after the sighting, and were undertaken following advanced notification of the Vietnamese authorities, and in the company of Vietnamese security officials.

In June 1992, the Select Committee of the Senate identified 244 Americans, who were last known to be alive in enemy hands. None of these was returned to American control, and the Vietnamese have offered no conclusive or reliable information on what happened to many of them.

Moreover, the number of Americans who became missing in circumstances in which they could have survived the incident is far larger than this. The Senate Select Committee investigators examined hundreds of live sighting reports, and concluded that, viewed in its totality, this body of reporting clearly indicated concentrations of Americans in captivity after Homecoming in a number of locations in North Vietnam, Laos, and South Vietnam, and remote from the prisons from which the POWs returned.

Important aspects of this human intelligence on live sightings have been reliably corroborated by overhead photography and communications intelligence, leaving no reasonable doubt that American POWs remained in captivity in Vietnam and Laos long after homecoming.

Furthermore, two documents recovered from Russian archives attest to the North Vietnamese policy of retaining substantial numbers of POWs as security. The authenticity of the information in these documents is buttressed by testimony of ex-Communist officials. Efforts by the Defense Department's POW/MIA Office to debunk these documents are conspicuously unconvincing, but demonstrate that the "mind-set to debunk" is alive and well.

That is the end of my prepared statement, Mr. Chairman.

Mr. ACKERMAN. Thank you, Mr. LeGro.

Ms. Hrdlicka, welcome.

STATEMENT OF CAROL HRDLICKA, FAMILY MEMBER OF COL. DAVID L. HRDLICKA

Ms. HRDLICKA. Thank you, Mr. Chairman, and committee members. I appreciate you asking the family members to come today. I do have an objection to being moved up. I understood that the government people were going to go first, and then the families were going to follow. So I do have an objection there.

The other thing is there was a mistake made, and Karen Miller's name was not added to the list. And she is a family member. And we wanted at least three family members here to testify. And she is not able to testify, because she was not on the list.

Mr. ACKERMAN. Well, we did not have her on the list. She was not an invited speaker.

Ms. HRDLICKA. It was a mistake that was made. And I just wanted you to be aware of it. And I would appreciate it if you would ask her later.

Mr. ACKERMAN. If she has some testimony to hand in, we would be glad to review that. And perhaps at an appropriate future hearing, we might have her as well.

Ms. HRDLICKA. I would appreciate it, if you would consider that. Thank you.

What I would like to start with is first that the President has sold out the families as well as the POW activists. We asked that he honor his promise that he made to the families, that the families would come before the business interests; he lied to us. So now I have been lied to by the White House itself, as well as Senators, Pentagon officials, and down the line. So I have a complete dossier.

The other thing is the trade embargo was lifted. We watched the debates. We had Senator Kerry and Senator McCain leading the charge. They have led the charge to get the POWs buried as fast as they could for the last several years. And I question what agenda they are working on.

I suggest that Senator Kerry has a private agenda. He was working on getting normalization for Vietnam before he chaired the Senate Select Committee. I consider that a conflict of interest. I do not see how someone who has the interest of getting normalization can do a fair assessment of the POW issue.

Senator McCain has joined Senator Kerry in the charge. Senator McCain says that there is no evidence that there was a second prison system, I will tell you, I have a CIA document that shows that there was a second prison system, 54 camps in Laos that this government knew about. I have a stack here of pictures that they took of the camps in Laos. This comes from the Department of Navy. And he lied, or he was mistaken, I will not say he lied, I will say that he was mistaken that there was not a second prison system.

He then states that there was never any interrogation of American POWs by Russian agents. Yet General Kalugin testified before the Select Committee that yes, they did interrogate American prisoners. So he was wrong again.

Senator McCain stands on the committee floor, and he states that there are no POWs. Well, he has been wrong before. Why is he not wrong about live POWs?

I have a real problem with this government, I have a problem with the Pentagon, I have a problem with everybody associated with this issue, because they will not ask the question about last known alive cases. They had them. They know what happened to them. Our governments list start with remains. Then they go to discrepancy cases. Then they go to Laos. Last are archives. Is that the way that you get the answers?

THE DISCREPANCY CASES

The discrepancy cases. They have put General Needham in control of running the discrepancy cases with his magic marker, and marking them off. Well, I tell you that Senator Kerry said that they have reduced the list down to 60. Reduced the list? Each one on that list is a man. He is not a number. They have taken the POW issue, and they have dehumanized it by numbers.

My husband was not a number, he was a man, he was sent off by this country to do illegal acts with no regard of what was going to happen to him. When he committed the illegal acts and was captured, they abandoned him, they abandoned him! They are still abandoning him today.

The Pentagon should be with us in this fight. They should not be fighting against us. They should not be keeping documents from us. They sit here, and they tell you that everything is declassified. That is a lie. Because I cannot even get David Hrdlicka's authenticator code 29 years after the fact. Now you tell me, what national security risk it could be for me to have David Hrdlicka's authenticator code number. I have told them that I will not put it in the public domain, but it should be mine to do with, not theirs.

They have all the information. We scratch, and we dig. They tell you that they give the information to the family members, that is a lie. We file Freedom of Information, we fight for every scrap! Most of the documents that I have, I did not get through the Pentagon or through the DIA. I got them through the Freedom of Information. I have been trying to get answers to two simple documents from the DIA, and they have stonewalled me for 4 years.

Mr. Trowbridge will not answer my calls. They send the casualty officers to talk to me. This is not the way to treat the families. This government has not been forthcoming with the families for 20 years. This would not even have to be an issue today had they come to us 20 years ago and said look, I am sorry, we cannot get your husband out, but we will support you in any private venture you want to do.

But they did not do that. They immediately went into their denial mode, which is still very, very active today. Senator McCain talks about all of the distinguished individuals that are involved in the POW issue. I do not know anything about General Needham, other than I know that he has been hired to go down with his magic marker and mark off the names, which he is doing very fast.

And you might ask how, ask what remains they are sending back? You will find that we are getting a rash of just a tooth.

Then we have General Vessey. While General Vessey has worked very hard, and he is an honorable man. But he sits and he tells you that there are no POWs. He does not believe that there are any POWs.

I have a document here. In 1987, he was in Hanoi with talks to turn over seven or eight live POWs. It says here in this document. I will show you the document, and I will give you a copy of the document.

How can he say that there are no live POWs? Here is a document that says that he was dealing for them!

Mr. ACKERMAN. Could you just identify the document?

Ms. HRDLICKA. It is a JCRC liaison, Bangkok, Thailand, 88 January 7.

Do you need any other numbers off it?

Mr. ACKERMAN. We would just like to see a copy of that.

Ms. HRDLICKA. OK. I would be glad to give you a copy.

Then we have Admiral Larson. You see, I think that everybody seems to have their own agenda here, and it does not seem to be POWs. The only agenda that I have here today is a fair investigation, which we did not get with the Senate Select Committee. They promised us an open hearing. We did not get an open hearing. They took it behind closed doors.

So the committee here today, I will consider is the last court of appeals for the families. We are going to ask the representatives to represent us for a change instead of big business and instead of money. Let's turn it around. Let's say that we no longer have a government that is the best government that money can buy. Let's go back to representing the people, and protect the people.

You look at me, and you look at all of these individuals. Well, it is kind of hard for me to fight a group like that, when they have all of the documents, all of the intelligence, and they debunk everything.

I would like to mention that among the distinguished individuals, I consider Colonel Gaines a distinguished individual. He was the one who first brought to light the DIA's shoddy work on the investigative end of it.

Then we have General Tyghe. General Tyghe to his very last breath was willing to go with us to the White House to present the case to President Clinton. On his deathbed, he was going to get on a medical airplane and fly out here. But President Clinton would not see us, he fought until the very end. He believed men were left, and he thought that it was a disgrace.

Then we have Colonel Peck, a very distinguished Vietnam veteran. He had the moral courage to stand up when he saw what was going on in the DIA, and resigned.

I consider these men very distinguished, because they had the moral courage to do what was right.

I will run David's case to you. The DIA says that he died in 1966. And I have documents here that shows him alive in 1967, they will not show me the document that they say correlates to his death.

And the JCRC comes along, and says that he died in 1968. I have asked for 3 years for them to pick a date, pick a date. I have not received a date to this day. I have not received a document to this day to show when they think he died. I went to Russia, and I get a letter from the Russian reporter's wife who interviewed David in 1969.

So now I have disproved of their theories. But to this date, they still have not picked one date.

David was lost in Laos. And there has been no one who has come out of Laos. It has been said that Laos is an individual problem. Well, I have here a document today that we found in the archives. Now this government has had this document, and I want to read a portion to you. This document is dated September 1987. And this is a Stoney Beach message.

This is what it says: "Subject: Vietnamese Seizes Laotian POW/MIA Records." This is a Stoney Beach report. It provides limited information on the repository for POW information.

In mid-August 1987, the chief of the Vietnamese advisory mission went to the defense minister Khantai's office, and confronted him with the evidence of lack of appropriate security for the POW/MIA files. The Vietnamese then demanded that the PDRL immediately transfer the repository to the Vietnamese control, and at that time established a Vietnamese controlled quarantine on the file cabinet containing the POW/MIA files. General Khantai had lost face to a significant degree as a result of the security breach.

Now I am saying to you here today that if this document is debunked, I want you to pay particular attention to the date that it was debunked. I want you to also to find out what agencies were involved in debunking it. I also would like you to keep in mind whether the White House is involved. If they are, then it is politics.

Now in David's particular case, he was last known alive. They have never to this day proven to me that he has died. I have asked the DIA and I have asked everyone to show me their evidence. They tell me there is no evidence.

My son talked to Colonel Peck. And he asked Colonel Peck, "Have you ever seen my father's file?" And Colonel Peck said, "Yes, I have." He said, "Well, is my dad dead?" He said, "Well, I will say that I do not see any evidence in the file that he ever died."

Well, if he did not die, where is he today? I am still trying to get the answers. Instead of the Pentagon joining me and supporting me, they block me at every corner. I submit to you that if you want to find the remains, you go to the prisons, and you dig outside the prisons. You do not go to remote areas and waste the taxpayers' dollars.

We have wasted millions on this issue, all because the government could not be forthcoming to us in the very beginning. We would not have to be sitting here today if the government had been honorable to its fighting men.

I appreciate the time that you have given us today. And I would like to say that for 29 years I have been waiting to get the resolution to this. And I see that my time is limited to 7 minutes to speak to the committee, and to try to cram 20 years into 7 minutes.

But I do want you to follow up on this document. I have many documents here. I would be glad to show you. Because the POW issue is not a myth. It is backed by documents.

I thank you.

[The prepared statement of Ms. Hrdlicka appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Ms. Hrdlicka. We have a vote on. Otherwise, I would have extended the time for you.

Mr. FINGERHUT. Mr. Chairman, just one brief comment. I appreciate the sincerity of all of the statements that have been made. But I was concerned with only one comment. And that was the belief that perhaps Senators McCain and Kerry had private agendas in their statements. I would just like the record to reflect that that is not the opinion of this member. We may disagree with their position if the record proves that, but I do not think that this commit-

tee record should reflect that we concur with the judgment that they are acting on private agendas in making their statements.

Mr. ACKERMAN. We had a little discussion about that while the testimony was going on. And we concluded that we would allow all of the witnesses to have their say, rather than interrupt and debate point by point the veracity of any of the statements. You are certainly entitled to express that to us, and we do want to hear it whether we agree or not.

Ms. HRDLICKA. I do have a document that shows he was.

Mr. ACKERMAN. We are not going to limit you. We will accept all of the testimony, documents, and papers that you have, and make it part of the official record. And we encourage all of the members to read them thoroughly.

Ms. Hrdlicka, you lost your husband fighting for our country. And you should not have to fight against our country in order to get him back.

Ms. HRDLICKA. Thank you.

Mr. ACKERMAN. We are going to work as hard as we can to make our Government a little bit more user friendly, and to see if we can get some of the answers for you. And we are going to be looking at that with all of the people involved as people of goodwill who have worked on it in the past, and are working on it now, and will work on it in the future, and assume that attitude. We will dig everywhere to get at the facts and the truth.

Ms. HRDLICKA. I appreciate that.

Mr. ACKERMAN. We will stand adjourned, and come back in a few moments after this vote.

[Recess.]

Mr. ACKERMAN. The subcommittee will come back to order. We will continue with our panel. Ms. Linda Gurganus, the chairperson of the POW/MIA Grassroots Association.

Ms. GURGANUS. Thank you, Mr. Chairman.

Mr. ACKERMAN. Welcome. And thank you for having patience with our voting schedule. And we are glad to have you here with us today also. You may begin as you will.

As you know, just for the record, the timer that we have is timed for 7 minutes. The green light goes on, and gives you another minute to warm up, and the yellow goes on. The red goes on when your 7 minutes are up. But the floor does not drop out from under you or anything. So you can have comfort in knowing that we are going to wrap up anyway if you take a little bit longer.

Ms. GURGANUS. Thank you.

Mr. ACKERMAN. You may begin.

STATEMENT OF LINDA GURGANUS, CHAIRPERSON, POW/MIA GRASSROOTS ASSOCIATION

Ms. GURGANUS. As we all know, the world is witnessing tremendous changes, and the East and the West are embarking on brotherly cooperation. The era of "the war" seems to be ending peace and development are on the horizon. People everywhere are demanding human rights, freedom, democracy, and political pluralism. We stand at the threshold of an opportunity that may never again be ours.

Can we not for once, just once, put aside all other considerations except for to secure the release of any Americans being held against their will? Power and authority once obtained cannot be easily relinquished, but it can be channeled into a cooperative effort.

Our presence as a trading partner with Vietnam seems anything but critical. It does not even appear to be important, since the country already has loans of billions of dollars in other international funds.

The trade embargo in itself has become symbolic. Keep in mind that most Americans believe that Vietnam has stubbornly held its position on our POWs, because of a promise that was broken when the United States failed to pay a secretly negotiated debt to them made by former President Nixon and Dr. Kissinger.

Vietnam has responded in kind to a situation created by this one act. We see frequent reports that progress is being made, and families are receiving final answers to their quest to learn the fates of their loved ones.

If any of you on the panel knows of such convincing and definitive cases, please inform us as we are not aware of any such cases at the present.

What I personally see are some disingenuous efforts to go through motions aimed at merely white-washing this issue. After all, any efforts made by veterans, activists, or grassroots groups are or should be in the interest of the families. Aside from the POWs themselves, they are the only ones who have anything to gain or lose.

Emotion makes it very difficult to analyze the hand of cards that we have been dealt. Implications to lifting of the trade embargo with a Communist government are overwhelming. The most obvious is the devaluation of the lives of our servicemen.

The policies of our Government with respect to POW/MIAs were exposed by the Foreign Relations Minority Staff Report endorsed by Senator Jesse Helms in May 1991. These facts were abhorred by everyone that read them. However, it seems that these policies have just been reinforced.

U.S. companies with assets in Southeast Asia will demand protection from our military at the threat of aggression from China or North Korea. We are already aware that these threats are very real.

In one of China's current publications, the United States is identified as China's principal military adversary in the future in the war scenario from China's seizure of oil fields in the South China Sea.

What do we tell our sons and daughters, who anticipate enlistment in the military? Do we tell them that their lives mean nothing? Do we tell them that patriotism is only propaganda used to protect business interests that have no respect for the sacrifices that our youth has to make?

My son is presently active duty military. I value his life above my own. How do I stop this madness that might place me in the chair of one of these mothers?

We have a brand new hand of cards to play. We must formulate new strategies to obtain accounting of POW/MIAs from Southeast

Asia. We suggest that funds be made available to the families who wish to go to the countries in question to try to solve their respective cases. It seems that the U.S. Government has chosen not to do this.

This money could be made available to the families by designating a percentage of the approximately \$100,000 per day that it currently costs the military to excavate these crash sites.

It has been determined that a large portion of this money is wasted. And the families, the activists, and the veterans organizations are not satisfied with such minimal progress that is being made looking for bones.

These funds should be made available until the last of our men have been repatriated, or for which their respective members agree that there has been a satisfactory accounting. After all, families members are the only appropriate people who should decide on a satisfactory accounting of their loved one.

Perhaps the very companies that forced our Government to choose between big businesses and the lives of the men that they sent to protect democracy can be lobbied to match such funds in a cooperative effort to finally put this issue to rest.

Through this initiative, the POW/MIA cause would be adequately subsidized at long last, so that the full accounting process can be pursued by President Clinton and Vice President Gore as promised. If they do not endorse this proposal or any other representative, they can then be hanged by the family values issue that we hear everyone spoke of so often.

Further, we feel that the next full year should be dedicated to the follow up of live sighting reports only, and making a true genuine effort to locate any live American who may still be detained against his will.

Many accuse us of holding a grudge. The fact is that past administration policies have created us. Now you must deal with us. If you not like who and what we are, then maybe you should change the way that you do business. We have made a promise to the family members, and the grassroots and the activists know how to keep their work. We have a responsibility to our children and to ourselves, that all the good and noble values for which our servicemen still fight are alive and well and worth the sacrifice; and that peace, honor, dignity, and fairness still exists. And that with our continued efforts, the American dream will mean something to our children, and not just to our enemies. There is also no price to our commitment.

Our vigilance is the product of this government's ineffective policies. We will not go away until we have answers. We will not let this happen again, I assure you. Our spirit is not broken. Our determination is stronger. And we will not pull out like the U.S. Government did. Thank you.

Mr. ACKERMAN. Thank you very much, Ms. Gurganus.

Our next witness is Mr. Michael Bengé, former POW, who I understand is counted among our best and bravest. We are honored to have you with us, sir.

STATEMENT OF MICHAEL BENGE, FORMER PRISONER OF WAR

Mr. BENGE. Thank you, Mr. Chairman. And I thank the committee inviting me here today.

I was captured in January 1968 in the central highlands of South Vietnam by a North Vietnamese army unit, although Hanoi repeatedly swore that it had no troops in the South. I was a foreign service officer. Despite Hanoi's signature of the Geneva agreement on the treatment of prisoners of war, stipulating that captured civilians would be released immediately, I was not released until 5 years later, in March, during Operation Homecoming in 1973.

During the time of my capture, I spent 27 months in solitary confinement. And of this time, 1 year in a black box. For the first year, I was held in over 12 POW camps in South Vietnam. The second year, I was held in a cage in Cambodia. This was over 1 year before the United States went into Cambodia. The Vietnamese, Hanoi, swore that they were not in Cambodia.

Hanoi repeatedly told lie after lie. Next I was held in one camp in several caves in Laos over a period of a month. Lastly, I was held in three camps in North Vietnam.

Communists are the world's foremost bureaucrats, although some inside the Beltway may question that. And they record everything in quadruplicate. There was no less than three dozen separate sets of documents recording my incarceration during my captivity.

I was captured by a North Vietnam battalion, and thus I was recorded in their battle report. I was turned over to Hanoi's enemy proselytizing department, which was responsible for all POWs, and this was recorded.

I was farmed out to a Vietcong prison camp, and again my existence was recorded. Twice a month, I was visited by EPD officers. Again these were recorded. I was interrogated by military intelligence officers from a different division oftentimes. After being moved to Cambodia, we stopped at military rest camps. Every night, I was recorded in the logs of each of these camps.

We went through checkpoints about every 3 days, and I was recorded at these checkpoints. When I arrived at the POW camp in Cambodia, the camp commander recorded my presence. I was visited by a doctor from a nearby NVA field hospital, and this was recorded in his log book.

Each of the three camps in North Vietnam where I was held had a political officer who repeatedly interrogated, and recorded everything. This was recorded. I was also interrogated by several guest political and intelligence officers including two Cubans, who kept records.

Therefore, to the nay sayers, I say please do not insult my intelligence by saying that the Vietnamese do not have information.

Two civilian prisoners with me died while we were in remote area. Our prison guards drew maps of where the bodies were buried. Two EPD officers came, and drew maps of the grave sites. The U.S. team visiting the sites said that the remains had been dug up and removed. However, the Vietnamese have not returned their remains.

Hanoi knows where all of the bodies are buried. Why would Hanoi hold POWs? The Vietnamese Communists are not born again Christians. They are not Mr. Nice Guy. Vietnam is ruled by

a totalitarian regime that is very repressive. Its leaders are very vindictive. Recently, Freedom House named them as one of the top 20 of the world's worst violators of human rights.

During the war, they repeatedly broadcast to their people that the Americans were war criminals, that they would be tried before a Nuremberg-like trial, and kept forever. They repeatedly told us this during my incarceration, and that they would hold us just like they still held French POWs. This is documented that they still hold French POWs.

The Vietnamese leaders lost faith with their people when we were released. And for their own self-satisfaction, that they did not capitulate and give the American aggressors their POWS, they kept POWs. They wanted bargaining chips and pawns to trade for prisoners held by the South Vietnamese, and ensure that they would be paid the \$3.5 billion they say Henry Kissinger promised them.

It is important to know what constitutes a Communist prison in Vietnam, Cambodia, and Laos. It is a chain, a padlock, and a tree. It is stocks made from tree trunks, and a bamboo cage on some remote mountain. It is a cave, and a guard at the entrance. It is a kind of room or storage bin with the windows bricked up and the door fastened with a steel bar. It is a generator room under the citadel with a locked door. It is shackles bolted to a bed in an infirmary on an island.

This is what constitutes Hanoi's second tier prison system. And it cannot be compared to a U.S. prison system where prisoners can readily be accessed.

While in the cage in Cambodia, I saw perhaps 8 to 10 American POWs taken up the side of a mountain to another part of the cage complex. These compounds, there were approximately eight of them on top of where I was.

Who were they, and what happened to them? They were not released. Could someone survive in the prison system of the Hanoi Communists after all this time? About 4 years ago, two or three Japanese soldiers from World War II surfaced in Malaysia. They have survived in the jungle for almost five decades. If the POWs believed that America would never abandon them, they could survive.

Yes, I believe that Hanoi is fully cooperating with the joint task force and full accounting. The Vietnamese Communists are answering the questions they are asked. However, the joint task force is not asking them the right questions.

Crash site investigation is a growth industry for Hanoi, reaping them millions of dollars in revenue as ransom for salted artifacts, as in salting a phony gold mine with a few nuggets. Examination of the crash sites is a joke. Hanoi had a policy and the Vietnamese as a way of life that immediately after a crash, they policed all sites of anything of value, including bodies, identification, and personal items, unless the site was in the remotest jungle or mountains.

Therefore, any remains or artifacts found on the surface of the majority of these crash sites were probably returned and placed there by Hanoi.

While Senator John Kerry visited the area of a prison in southern Vietnam in April 1992, Vietnamese officials told him that no Americans had ever been held there or in the area. Several months later, an American detainee was secretly released by the Vietnamese, who reported that one day prior to the Senator's arrival that he was moved from the prison that Kerry went to, and returned 2 days after the Senator departed.

Although the American detainee was not a POW from the war, it proves my point. The Vietnamese Communist officials are pathological liars. Anyone who thinks that the Vietnamese are being truthful and cooperating is either a fool or has other motivations.

Resolution of live sightings reports by JTFFA is a moribund joke. The names and locations of all witnesses are given far in advance to the draconian Vietnamese Communists, along with all available information in U.S. files. Therefore, witnesses are prepared, and I say prepared, prior to the arrival of the JTFFA personnel. Interviews are conducted in the presence of a Communist Vietnamese public security representative. All witnesses are subject to intimidation.

I have access to and will make available for joint viewing a CINCPAC videotape given to me in confidentiality that was made at the Vietnamese Presidential palace during Senator John Kerry's December 1992 visit. In his meeting with Vietnamese President Le Duc Anh, Kerry assured him that, as with the POW pictures, the U.S. Government will not release anything to the public that would embarrass the Communist officials of Hanoi.

He also told Anh that in order to get the trade embargo lifted, all Hanoi had to do is show that there was a process for accounting.

Was he relaying a message from the then President-elect Clinton? Surely, Kerry de facto was de facto setting policy and undermining Clinton's campaign promise that there would have to be a full accounting before he would approve lifting the trade embargo on Vietnam.

At the same meeting, Kerry also told Anh that the Laotian leaders told him on numerous occasions that they had no information on POWs, for Hanoi controlled all POWs and all information on them. There are about 550 Americans missing in Laos, and of these, approximately 80 percent of these men are missing in territory under the control of—total control of Hanoi.

Anyone proclaiming that the Laotian Government, not Hanoi, is responsible for accounting for these men is either extremely naive, lying or covering up for Hanoi, or a fool. The Lao leaders's statements relied by Kerry are corroborated by the attached 1969 cable and by other cables, revealing the agreement between the North Vietnamese Government and the Neo Lau Hak Sat Central Committee whereby all Americans, "All Americans captured on Laos would be sent to North Vietnam."

This document also records a shipment of 27 American POWs from Laos to North Vietnam, either from the CIS/NSA "Cold Spot," or similar intercept program files cited in the attached article by Al Santoli, who will speak later.

It records another transfer in 1973 of 112 U.S.A. pilots from Laos to Santay, North Vietnam, along with snapshots, names and ages.

There is a plethora of other intelligence information supporting these transfers. Only nine POWs captured in Laos were released by Hanoi. According to a 1993 CIA document reported to have been given to National Security Advisor Anthony Lake by former intelligence officer Barry Tool, 150 American captives were moved from Laos to North Vietnam—excuse me—moved from Laos to North Vietnam—to Laos from Vietnam, and were offered for ransom.

In 1993, the report, confirmed by a second highly reliable independent source, quotes a high ranking member of the Lao Politburo as stating, "Now is the time to make a deal." At the bottom of this report was written, "Recommend no further action be taken for it is the policy of the United States not to pay ransom."

Last year a media-feeding frenzy evolved over the surfacing of a military Russian intelligence document, what was dubbed the "1205 document." The document stated in 1972, the Vietnamese held as pawns 700 or more Americans than the 368 they acknowledged in a second tier prison system. Pentagon officials and others with a mindset to debunk proclaimed that there was no other evidence to support that allegation. Later, a second Russian document emerged supporting the contention of the first.

This statement that there is no other evidence to support the allegation of holding these POWs is totally dishonest. I am listing in here six other documents that support it, and there are others. There is a convincing body of evidence for aberrating this Russian document.

They also have documents that the KGB was tasked to capture and take to Russia POWs. Hanoi knows who they are. Frankly, gentlemen, I do not think Hanoi wants or diplomatic relations, for they already have our money. Diplomatic relations would only provide a channel for the United States to put international pressure on the Hanoi Government to improve their human rights and to move toward democracy. The leaders do not want that.

A year ago—about 2 years China granted a Denver oil drilling firm a contract to drill on the northern end of the Spratley Islands. They called in the American ambassador and told the Ambassador that China was willing to back up these drilling rights with the entire might of their armed forces. From the revenue they are earning from trade with the United States, they are rapidly building their army and building their navy.

Vietnam only wants us to come in to drill for oil to protect them against China. Are we to become the Vietnamese Communist body-guard?

By lifting the trade embargo, President Clinton lost a unique opportunity to heal the wounds of the Vietnam War. By abandoning these POWs and MIAs, a time-honored tradition that Americans do not intentionally leave their men behind has been defiled, and a message has been sent to future armed services personnel that when there is a choice between business and their lives, business comes first.

I saw on several occasions Vietnamese medics extracting teeth from the prisoners. These teeth could be easily salted among a few bone fragments at a crashed site. No MIA should ever be declared dead and remains returned to a family based on the identification

of one tooth. The only acceptable means of identification is by DNA testing of a key portion of skeletal remains.

If there is evidence that the person had been a POW, the family should demand that the age of the remains be verified, then matched with Hanoi's explanation of the time and circumstances of death. This should be revealed to the public. We should not lie and cover up for the Hanoi Communists. The families deserve and are only seeking and demanding the truth.

This bright, shining lie began after Operation Homecoming in 1973, when President Richard Milhouse Nixon stated that all American POWs were home, and he declared all the MIAs in Vietnam, Cambodia, and Laos dead. When will this lie end?

Thank you.

[The prepared statement of Mr. Bengé appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Mr. Bengé, and especially thank you for putting yourself through so much of the pain and anguish that you have already been subjected to on behalf of so many others who cannot be here today.

Maybe just one or two questions for this panel before we go to our other witnesses. I had one question of Mr. LeGro.

I am of the understanding that you did a live sighting investigation in various areas in Vietnam in November and December of 1992. Is that correct?

Mr. LEGRO. Yes, sir. One investigation. Well, no, I participated in two come to think of it, yes.

Mr. ACKERMAN. In 1992?

Mr. LEGRO. Yes, sir.

Mr. ACKERMAN. Could you tell us the results of that investigation and whether or not you found any evidence during your investigation of POWs, and what the conclusions were of that investigation?

Mr. LEGRO. Well, we found no evidence that there were any American prisoners of war either still alive in those two sites or had been there. I would say the investigations were inconclusive—incomplete actually. Because of time constraints neither one of them really could be pursued to a conclusion.

Mr. ACKERMAN. When you say because of time constraints, did somebody rush you through that—

Mr. LeGro. Oh, no.

Mr. ACKERMAN [continuing]. To conclude before?

Mr. LEGRO. It was just the fact that I only had—we had about 5 days to complete it, and it is quite a long ride from Saigon to Pleiku.

Mr. ACKERMAN. Help me understand why is it that you only had 5 days?

Mr. LeGro. Well, as an investigator, I felt that I could not stay any longer. We had a funding limitation, and the longer I stayed the more money it would cost. Task Force Full Accounting supplied me with a—

Mr. ACKERMAN. Did you find any reason that you needed to stay a sixth or seventh day that would have been helpful?

Mr. LeGro. Actually not. We probably could not have done much more anyway. Having been in Pleiku, the Communists brought forward the man who they said was the officer responsible for border security in the regions west of Pleiku, where one source, one Viet-

namese had told us that we could find an American living in a village. This Communist officer testified to us in a meeting we had with the local province committee that there were no Americans out there in his villages, and he knew everyone that was in the village, and therefore there was no real reason to go out there.

If we had wanted to go out there, we would have had to walk, they said, and it would have taken about, oh, 24-48 hours to walk out to the village. They did not invite us to do that, but we probably would not have been able to accept the invitation anyway. And I am sure that—

Mr. ACKERMAN. Did anybody on your investigative team suggest that you wanted to go out there and do that?

Mr. LeGro. No, we did not. No.

It was pretty obvious that if we had done so we would have been in the company of all of the Communist officials of that particular province, and the chances that they would produce an American from a village out there I thought was nil anyway. It would have been rather a fool's errand.

Incidentally, I did not really believe the source anyway. I did not believe that he actually had valid information. I think this Vietnamese that we found up in Pleiku—I do not believe that he had good information.

That does not mean that I can conclude that therefore there are no Americans being held in the highlands. I cannot conclude that. But I cannot conclude that there were any there either.

Mr. ACKERMAN. Would you have any suggestions for those on mission today making determinations as to what they should be doing that they are not already doing?

Mr. LEGRO. No, I think that the constraints under which Americans operate in Vietnam preclude any reasonable live sighting investigation.

Mr. ACKERMAN. When you say the constraints under which they operate, are those self-imposed constraints?

Mr. LEGRO. No, sir.

Mr. ACKERMAN. Government-imposed constraints or Vietnam-imposed constraints?

Mr. LEGRO. Well, they are imposed by the Government of Vietnam, as far as I know. They insist that they be notified ahead of time where the investigation is going to be conducted, and they insist that they send their people along with our investigators. Having that sovereign right to do that, why there is not much the American side can do about it. That is the way these investigations are conducted, and that means, to me, that the investigation falls flat. There is no way to make a private, you might say discreet investigation without the Vietnamese knowing all about it. So if there is any information to be found there, it will not be found. That is the point.

Mr. ACKERMAN. Would you think that under this new policy, the trade embargo being lifted with more Americans being over there, that there would be the opportunity availing itself for Americans or others making investigations without the 48-hour prior notice?

Mr. LEGRO. I would think that it is possible if the Americans that go over there are charged with the responsibility for doing

that, and go there with enough information to guide their investigations and really know what they are looking for.

I cannot quite see how that can happen, however, because that would imply that you are going to do something covertly, and I do not believe we can get away with that. We cannot—at least I cannot conceive of how you would operate an intelligence collection operation in a country like Vietnam without them knowing about it, and it would, of course, be illegal as far as they are concerned.

Mr. ACKERMAN. Thank you.

Just one question for Mr. Bengé. Mr. Bengé, you had suggested that those who are asking the questions are perhaps asking the wrong questions. Would you be able to give some guidance as to what they might be asking or what they might do differently than they are doing?

Mr. BENGE. Mr. Chairman, the Pentagon did a grave disservice to the POW/MIAs and their families by firing Mr. Bill Bell. I say firing. He was forced into retirement. I would say myself that Mr. Bell probably had more residual knowledge in his head than the entire task force that is in Hanoi at this time.

You have to know the Vietnamese Communists. You have to know their military units. You have to know which units were where at the time so you can go to ask specific people what archives that were there, that are there.

It would take me a very long time to try to describe the questions that have to ask, but about 2 years ago there was a defection arranged by the DIA of a North Vietnamese cameraman who worked for the enemy, Pras Lacazing Bureau, and had been filming during the entire Vietnam War. He claimed that in the archives of North Vietnam, film archives, that there existed a film that he took of a secret camp of American POWs. He saw the POWs that were Moscow and Peking bound. He says that film exists in the archives, exists or existed.

As bureaucratic as the Vietnamese are, I would say it still exists. Access to it, I would say you would not have a snowball chance of getting it.

He also showed me pictures of some grave yards.

Mr. ACKERMAN. Are you saying that the current investigating team, no matter what they do, would be unable to obtain that, regardless of U.S. policy?

Mr. BENGE. I would say yes since we have given them our pocketbook. We have nothing that they need. They do not need our diplomatic relations. Why should they give us our secret data?

You know, this is interesting because, you know, you ask the questions whether we can go out, whether American—

Mr. ACKERMAN. That was the other shoe dropping. [Laughter.]

Mr. BENGE. American businessmen running around who do not go out to the boondocks where the camps are could find POWs.

I would like to know how many businessmen here in the United States have ever been to Los Alamos; has ever been allowed to the corners of the CIA compound at Langley; how many have been to Cheyenne Mountain or would be permitted to go to Cheyenne Mountain.

You know, the frustrating—it is very frustrating.

Mr. ACKERMAN. Yes, it certainly is, much more, I am sure, for you than any of us could really understand. But one of the things that confuses some of us is that when we talk about the change in the policy, that the existing policy over the last 20 years has been able to obtain either that film or so many of the documents and so much information and so many people, that perhaps, and this is speculation, the change in policy might provide some different response.

I do not know the answer to that question. I guess only time will tell. But it is certainly a couple of decades, and the forthrightness that we had hoped we would see from Vietnam has not taken place either.

Mr. BENGE. Nor has the forthrightness from the U.S. Government, sir.

Please release the documents that have been promised. It will show what is there. A 10 percent gleaning of classified documents turned up 45 additional satellite photos which are burying the pilot authenticator code, secret codes of POWs that were still in Vietnam captured.

Mr. ACKERMAN. Thank you. This committee will look into that.

Mr. LEACH, the distinguished ranking member of this subcommittee?

Mr. LEACH. Mr. Chairman, I have no questions, but I would like to extend appreciation of all of us for your coming, and I think it is very important, Mr. Chairman, that you have called this hearing to hear from people so deeply affected.

I do have a modest statement I would simply like inserted in the record if I could. Thank you very much.

[The prepared statement of Mr. Leach follows:]

PREPARED STATEMENT OF HON. JAMES A. LEACH

Thank you, Mr. Chairman. I would like to extend a warm welcome to all our many distinguished witnesses, particularly the families of those missing in action.

While Vietnam is no longer considered by many to be a central geopolitical concern of the United States, any steps which might be taken toward more normal relations with Hanoi are deeply felt and of profound importance to the families of missing servicemen and women whose loved ones sacrificed all for their country. We owe it to them to make the fullest possible accounting the highest national priority; it is an must continue to be the touchstone of our relationship with Vietnam. More broadly, we owe it to ourselves to remember how much has been achieved, at enormous sacrifice, by the men and women who have served in our armed forces in this century.

Consequently, the administration bears a heavy burden of responsibility to show that lifting the trade embargo will strengthen and not weaken America's ability to account for our MIAs in Vietnam. Congress, too, has a responsibility to ensure this issue is not used for partisan gain and is dealt with in a bipartisan way to achieve the fullest accounting for our missing in action. As attractive as trade prospects may be in Indochina, the key issue is that of decency and fairness to the families of those missing. Maybe now is the time to take a step toward more openness with Vietnam, but it is key that accountability for the missing remains the linchpin of American concerns.

Mr. ACKERMAN. Let me, on behalf of all of us and the American people, thank this panel for their participation today. Thank you.

Mr. Faleomavaega, before the next panel.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you.

I just want to extend my personal regards to Mr. Benge and the fact that he and I share a common history here, the fact that he

was captured as a POW in January 1968. I was in Vietnam in 1968, in January, the Tet offensive in Na Trang. And with the testimonies that I have heard this morning, Mr. Chairman, I just want to tip my hat so that we here as members of the panel could feel the sense of frustration and the sense of how these families feel about the problems that we are faced with as far as POWs/MIAs are concerned, and I want to reiterate that for the record, and I do intend very much to pursue this in all diligence with you, Mr. Chairman, and the other members of the committee, and to see where we might come up with.

As I said earlier, I look forward to hear from the administration to see where we are going now concerning this important issue. Thank you.

Mr. ACKERMAN. Thank you very much, Mr. Faleomavaega.

The next panel consists of the Honorable Winston Lord, Assistant Secretary of State for East Asia and Pacific Affairs; Mr. Edward Ross, Acting Deputy Assistant Secretary of Defense for POW/MIA Affairs; and Major General Thomas Needham, Commander, Joint Task Force Full Accounting.

Gentlemen, will you please come to the table and remain standing? Please raise your right hand.

[Witnesses sworn.]

Please be seated.

Gentlemen, welcome to our subcommittee. We are delighted to have you, and greatly look forward to your testimony. Your full statements will be included in the record and you may begin in any fashion that you feel comfortable with.

I think, Secretary Lord, we will begin with you. Welcome.

STATEMENT OF WINSTON LORD, ASSISTANT SECRETARY OF STATE FOR EAST ASIA AND PACIFIC AFFAIRS

Mr. LORD. Thank you, Mr. Chairman. I would also like to extend my respect and sympathies to the previous panel, whose testimony I listened to very carefully.

I would like to submit my full statement, as you say. I know that time is pressing, so I will read just excerpts and I will read them at New York speed, if that is agreeable, Mr. Chairman.

Mr. Chairman, distinguished members of the committee, "The investigation of case 0954 began in October 1992 when local Vietnamese villages unilaterally returned 531 bone fragments, 16 teeth, an ID tag, Geneva Convention Card, and aircraft data plate to local officials during the 20th Joint Field Activity. A CILHI team climbed to the site in November 1992, conducted a site survey and recommended against excavation due to the hazards involved in climbing to the site and the difficulty of the terrain. The Commander of the Joint Task Force Full Accounting directed that his detachment commander in Hanoi, an experienced infantry officer, go to the site and determine whether an excavation could be done safely. In March 1993, the detachment commander and another detachment member traveled to the remote site. Three aerial reconnaissance attempts failed to locate a landing zone close to the site due to the ruggedness of the terrain.

"From the nearest road the team climbed uphill for 5 hours to a small farm inhabited by only two people, remained overnight and

the next day climbed an additional 2 hours to reach the site. The site was located at an elevation of 4,780 feet on the side of a mountainous rock formation that varies in slope from 30 to 60 degrees. The detachment commander determined that an excavation could be done safely, but it would be extremely difficult and would require a hand picked team in top physical shape. Prior to the 26th Joint Field Activity, the Vietnamese cut a helicopter landing zone suitable for an MI-8 on the side of the mountain, thereby reducing the climbing time to the site.

"Over a 2-day period, six MI-8 sorties transported the 12 U.S. and 15 Vietnamese recovery team members with their water, equipment and supplies to the landing zone. From the landing zone the team carried equipment for about 2 hours over extremely rugged terrain to a base camp. The crash site was over an hour climb from the base camp and the terrain was so steep that at points it required scaling rock faces hand over hand. Over the next 2½ weeks, the team climbed an hour each day from the base camp to the site, excavating at the site, then climbed back for an hour to the base camp.

"The immediate area of the crash is a rocky slope 40 to 45 degrees in grade. Working from the lowest elevation to the heights at the site, the team worked over the next 16 days removing surface rock, scraping and sifting through screens the associated soil, aircraft debris and human remains. The excavation resulted in 187 bone fragments, 16 human teeth, personal effects, life support equipment, and other wreckage. This excavation, along with the earlier unilateral turn-in, resulted in a total of 718 bone fragments and 16 teeth."

Mr. Chairman, that is the story of just one case among the hundreds that brave and devoted Americans are pursuing every day—in the jungles and on the mountains of Vietnam, Laos and Cambodia, the laboratories in Hawaii, in Pentagon offices, and in hearts and minds. This brief vignette illustrates not only the labors of Americans but also the intensified cooperation of the Vietnamese. And it shows we are getting results from a process that is painstaking, incremental and will last for decades.

Against this backdrop, I welcome the opportunity to appear before you to discuss President Clinton's decisions last week to lift the trade embargo against Vietnam and to establish a liaison office in Hanoi.

The President took these steps because he was convinced that they offered the best way to achieve the fullest possible accounting for our POW/MIAs. At the outset, I want to emphasize that his decisions were based on that single judgment. Of course the administration is not oblivious to the potential economic and geo-political benefits that may now begin to unfold. But such benefits would flow from last week's decisions; they were not the reasons for them.

Thus, as the President stated, the POW/MIA issue will remain a central focus of our relationship with Vietnam. We will continue to acquire, in his words, "more progress, more cooperation, and more answers."

Mr. Chairman, I now begin to summarize much more briefly as we go through the rest of the statement, but there are some impor-

tant facts and assertions in here that I hope people will pay attention to, but I am trying to save time.

I describe the governmentwide effort throughout this administration that has led up to this decision, and will surely continue in the future, and the fact that more than 500 military and civilian personnel are assigned to this task.

I have talked about the full disclosure of information that the President promised on Memorial Day, and he fulfilled that pledge, except for a tiny fraction of documents relating to government sensitivity in terms of national security or privacy of the families.

I mention the fact that the President has made extraordinary efforts to consult many groups that share his concern on this issue, and he insists that all points of view be carefully considered. He has given unprecedented access to veterans organizations for the first time, and that is documented in my statement.

We have regularly consulted the National League of Families of POWs and MIAs and other family groups. I would like to pay tribute to the National League of Families, which during the 1980's was instrumental in pushing our Government to do more to account for our missing and much of the credit is due to Mrs. Ann Mills Griffiths, the head of that group.

To the veterans and the families, let me repeat that this administration remains steadfast in its determination to achieve the fullest possible accounting. Our doors remain open. We encourage them to continue working with us toward our common goal. And as the President stated last week, another delegation will be going out in April, and members of the families and veterans organizations will be invited along.

The President and his advisors also talked to a wide range, a bipartisan range of senators and representatives. I mention that as well. And, finally, he relied heavily on the information and advice provided by his military and civilian advisors here and on the ground.

Mr. Chairman, my statement then traces the various milestones in the first year of this administration on this issue, including the April 1993 mission by General John Vessey, and time limits I am going to cast to the wind, because I am going to say a few words about Jack Vessey no matter how much time I have got.

I would like to use this opportunity to salute him. Much of what we have accomplished on the POW/MIA issue is due to the dedicated labors of this patriot who has served three Presidents as special emissary to Hanoi. Entering the army as a private, he rose to the highest position in our armed forces, Chairman of the Joint Chiefs of Staff. He gave 46 years of outstanding service to the nation. A grateful country could not have asked for more, but General Vessey had more to offer. He devoted himself to seeking the answers to the questions that have plagued the families of the missing. He went to Hanoi in 1987, on the first of six missions for Presidents, and his work led, among other things, to the establishment of the Joint Task Force.

I then note the July 2 decision, removing the blockages of Vietnam's debt so that they are eligible for international financial institutional funding; the fact that a delegation, including General Mike Ryan, and Deputy Veterans head, Hershel Gober and myself, went

to Hanoi in July to press hard for more progress; on September 13, the decision to maintain the embargo, but to lift it partially; in December, my own trip returning to Vietnam. In every case, we pressed for more progress. We believe we have gotten results as a result of these efforts, but we worked extremely hard on behalf of the President to this end.

In late December, the President's senior advisors met to review the POW/MIA record. They came to the unanimous conclusion that there had been significant tangible progress in all four of the areas identified by the President in July.

I then describe those four areas, which this group is familiar with. It includes the recovery and repatriation of American remains; resolution of discrepancy cases; cooperation along the Vietnam-Laos border; and the return of POW/MIA-related documents, and we outline what has been achieved in this area. And the President agreed with his advisors that this represented significant tangible progress.

I would like to pay special tribute once again to the incredible work being done by the men and women of the Joint Task Force Full Accounting, under the leadership of Admiral Charles Larson and General Thomas Needham. They have endured hardships and dangers. They have displayed ingenuity, dedication and tenacity in tracking down every possible lead. They deserve our utmost gratitude and respect. These men and women are a source of immense pride for all Americans.

I would note also the assistance we have received in the field from both official and private Vietnamese. Our Joint Task Force Full Accounting personnel have reported that their operation during the last 6 months has been excellent, and I cite some examples.

We also have mechanisms in place to pursue this quest over the coming years. This will be a long journey. I describe those mechanisms and they will help us fulfill the pledge to the families that everything possible will be done to determine the fates of their fathers and sons, husbands and brothers.

I also briefly recall that Vietnam did fulfill one of the conditions of the original road map of the previous administration; namely, withdrawing their troops from Cambodia, and they have been supporting the peace process since then. They have also released from reeducation camps citizens who had been detained because of their association with us or the former South Vietnamese Government.

Now, these developments are encouraging. So too are Vietnamese pledges of continued cooperation on POW/MIAs. But, as the President cautioned, "It must not end here." We will relentlessly continue our search for answers.

We know this will take a long time. We have just been recovering remains from World War II in China. We have been getting remains from the Korean War and elsewhere just in recent months, and I again document that in my statement.

I am confident the Vietnamese understand the President's determination to see this issue through. They also know that any further steps in our relationship will depend on our making even more progress.

The Vietnamese, when we announced this, pledged their operation. We, of course, do not and never have and never will base our

actions on trust. We will base it on cooperation, on evidence, and our best calculation of the Vietnamese self-interest. I have dealt with them for several years. I know that we have to study their self-interest and not take things on trust.

I then describe the various people that the President consulted both within the government and outside, including many distinguished senators and Congressmen, and with the families and the veterans, before he reached his final decision. All these people share the same goal of achieving the fullest possible accounting. I think most agree in principle with the strategic approach of the administration; namely, to take incremental steps forward in our relations with Vietnam in response to progress, and to encourage further progress. And most would agree that the Vietnamese activity have intensified in recent months.

The disagreements arise over whether there has been sufficient progress as opposed to an extensive process to justify making another move forward. As I have outlined, we believe there has been not only unprecedented cooperation, but substantial tangible results from our joint efforts.

Despite these differences, and I do not wish to minimize them, we look forward to working closely with those who have the greatest personal stake in this difficult issue, and you have already heard from some of them. We welcome their continued counsel. We emphasize with their pain, not only over lost family members and comrades, but over the last deceptions by the Vietnamese and inadequate performance by the U.S. Government.

In any event, after considering all views, the President made his decision. He agrees with all his senior advisors, with our military personnel working on the ground, and with an overwhelming bipartisan majority in the Congress, that the actions he announced represent the best way to account for missing men.

These steps do not represent full normalization. We are not opening embassies or Ambassadors exchange. We are not granting Vietnam special economic privileges. We have retained considerable political and economic incentives to ensure that the Government of Vietnam does not waiver from its commitment to continue its cooperation on POW/MIA issues. Our efforts will continue undiminished; indeed, with fresh momentum.

I then describe briefly the other Presidential decision; namely, to establish a liaison office in Vietnam. We believe such offices will greatly assist in our search for MIA information. It will also serve to expand our dialogue with Vietnam on many issues, including human rights, and they will support and protect American visitors, tourists and business people.

We believe the vastly increased numbers of American visitors, tourists, business people, and other private groups who are now spread out across Vietnam should produce greater openness, greater contacts, greater information on our MIAs and concrete results.

We are only in the early stages of planning on these liaison officers, and questions on timing and staffing and purposes have to be worked out with the Vietnamese. We will be talking to them shortly. We will be glad to consult with you in this process.

Finally, I end up by noting that we have also been pursuing other important issues with the Vietnamese. One his human rights,

and I explain at some length the fact that we raise this in every meeting, and will continue to consider this a very high priority. both Americans incarcerated in Vietnam and the fate of the Vietnamese people who are only expressing peacefully their political or religious views. Vietnam clearly has a long way to go in this area, and we will have it high on our agenda.

Let me close with the words of President Clinton last Thursday: "Whatever the Vietnam War may have done in dividing our country in the past, today our Nation is one in honoring those who served and pressing for answers about all those who did not return. This decision today, I believe," said the President, "renews that commitment and our constant, constant effort never to forget those until our job is done. Those who have sacrificed deserve a full and final accounting. I am absolutely convinced, as are so many in Congress who serve there and so many Americans who have studied the issue, that this decision today will help to ensure that fullest possible accounting."

Mr. Chairman, members of this committee, as we look back upon this time many years from now, perhaps the most significant dimension of the President's decision will prove to be psychological. Perhaps we have begun turning the pages of history. Perhaps we are moving toward eventual reconciliation with a former enemy. Perhaps for Americans, as one observer has put it, Vietnam will become a country, not a war. Perhaps we are further developing the President's vision of a new Pacific Community.

Above all, let us hope that—whatever our differences about the war or how to resolve its lingering questions—we have truly advanced the process of healing the wounds. May the families at last find answers. And may all Americans at last find peace.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Lord appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Mr. Secretary.

I believe we go next to Mr. Ross.

STATEMENT OF EDWARD W. ROSS, ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE, POW/MIA AFFAIRS

Mr. ROSS. Good afternoon, Mr. Chairman.

Mr. ACKERMAN. Mr. Secretary, what time is the latest that you might stay with us?

Mr. LORD. I apologize. About 1:25. I am prepared to come back after the NSC meeting if you are still meeting, and that would be about 3:00. I do not know whether you will still be going then, or I will come back any time in the future. I regret the schedule conflict.

Mr. ACKERMAN. We would like to be able to ask some questions of you, but our usual format is to go through the panel. If you would be back at 3—the General has to leave at 2.

Mr. Ross.

Mr. ROSS. Good afternoon, Mr. Chairman, members of the committee. My statement will be brief.

On 3 February 1994 President Clinton stated that the best way to ensure cooperation with Vietnam and to continue getting the information Americans want on our missing is to end the trade em-

bargo. The key, the President said, to continued progress lies in expanding our contacts with Vietnam.

The Department of Defense agrees. Lifting the trade embargo will provide us with greater access to Vietnam and the Vietnamese people, and we believe will increase our prospects of attaining the fullest possible accounting. We expect this decision will elicit renewed Vietnamese commitment to cooperation, and a continued high level of assistance to joint field activities, archival research, and special efforts to account for, locate and repatriate remains.

Lifting the trade embargo does not mean that we will lessen our efforts to obtain an accounting for our missing servicemen. On the contrary, we continue to increase them. We are devoting more resources than ever to field work, and we are conducting ever more close and continuing discussions with Vietnam's political and military leaders to ensure that we leave no stone unturned and no question unasked in our pursuit of an accounting for our missing.

Let me interject here, Mr. Chairman, that the Department of Defense has cooperated closely with Congress, POW/MIA families and veterans organizations in pursuit of this end. We especially recognize the anguish of family members who, more than any other group, have endured years of not knowing what happened to their loved ones. We are sensitive to their concerns, and we have not, nor will we lessen our commitment to our common goal of full as possible accounting. Together with POW/MIA families members of Congress and veterans groups, we are prepared to follow all leads, expend whatever resource is necessary and dedicate our most talented personnel to this effort for as long as it takes.

Future progress on POW/MIA accounting likely will be measured in those same areas President Clinton used to evaluate Vietnam's efforts in making his decision on the embargo. As you are aware, last July the President set out four areas in which we seek to make tangible progress in accounting for our missing servicemen. Those are: the recovery and repatriation of remains; continued joint field investigations of the discrepancy cases, and continued live sighting investigations; trilateral cooperation on Lao border cases; and access to wartime information in archival holdings that will lead to genuine answers.

Regarding the area of recovery and repatriating remains, Vietnam has worked with the Joint Task Force detachment in Hanoi to recover and repatriate remains of individuals believed to be American service personnel. Vietnam has increased publicity for its remains amnesty program which encourages citizens to turn over remains they may have in their possession in return for a promise they will not be prosecuted, and a modest financial incentive. They have also opened an office in Ho Chi Minh City dedicated to recovering remains of Americans who died in captivity in the South.

Since the President's July statement, the United States has repatriated 39 remains from Vietnam, bringing the total number of repatriated remains for all of 1993 to 67.

Again, that number represents the number of remains that our forensic specialists have looked at in Vietnam, following joint field activities, and have decided might be the remains of Americans servicemen.

It does not mean that these remains necessarily will be identified as those of U.S. servicemen. Such identifications will come only as the result of exhaustive, time consuming, rigorous scientific tests and study.

What it does mean is that Vietnamese efforts to facilitate field excavations and to obtain remains in the hands of Vietnamese citizens have enabled us to examine more remains and therefore to potentially identify more remains. Vietnam has worked closely with the JTFFA to resolve priority, last known alive discrepancy cases, and has cooperated fully with U.S. efforts to investigate live sighting reports. The Joint U.S.-Vietnamese priority case investigation team is exclusively focused on joint investigations of the remaining last known alive discrepancy cases. Since July their efforts have enabled us to confirm the deaths of 19 additional individuals. Between 1989 and 1992, death was confirmed for 61 individuals. In 1993, we confirmed the deaths of 62 additional individuals, bringing the total to 123 out of the original priority discrepancy case list of 196 in Vietnam.

Approximately 78 live sightings have been investigated in Vietnam since 1991. None of those investigations have produced evidence that any American serviceman is being held captive in Vietnam today, and none of the approximately 200 last known alive discrepancy case investigations has produced evidence that missing Americans survived beyond Operation Homecoming in 1973. Nevertheless, we will continue to vigorously pursue any report of a live prisoner and to investigate thoroughly all remaining last known alive discrepancy cases.

Turning to trilateral border cases, last August the Vietnamese and the Lao agreed to conduct trilateral investigations with U.S. teams along their common border in the vicinity of the Ho Chi Minh Trail. The first such operation, conducted in Quang Tri Province in December 1993, resulted in the location of remains and crash sites. Those sites will be excavated in coming months. Vietnamese cooperation during those operations was exceptional. They worked to identify witnesses and helped establish a model for future efforts to conduct border operations that will hopefully lead to uncovering information of remains in this group of cases.

Regarding the search for wartime archival information, in September 1993 the Vietnamese provided us with six wartime documents from key defense ministry subordinates, including a 46-page summary of aircraft shootdowns. In December, they provided information on cases involving U.S. personnel who died in Vietnamese custody, but whose remains have not yet been returned. In January 1992, the Vietnamese provided access to a personal diary of a former commander of an important air defense battalion.

Beyond this the Vietnamese have allowed the JTF-FA archivist to conduct independent research in the Ministry of Defense library and granted him access to personal unpublished memoirs of Vietnamese military officials and archival copies of the provincial newspapers, both of which are useful sources of information about American personnel.

Additionally, since mid-September the Vietnamese have provided the JTF-FA with reports prepared by the Vietnam Office for Seeking Missing Persons; the JTF-FA's primary point of contact on the

POW/MIA issue, on unilateral Vietnamese attempts to locate American remains.

To date, our archival research teams have processed approximately 30,000 documents, artifacts and photographs related to U.S. POWs and MIAs. Over 600 of those items have been correlated to missing servicemen. The entire collection has been placed in the Joint Documents Center in Hanoi, organized at the urging of Senator John Kerry. This repository and working research center enables American and Vietnamese specialists to examine these items, access witness interviews, catalogue personal effects recovered from crash sites, and devise courses of action to exploit the information revealed by those efforts.

In conclusion, Mr. Chairman, the mechanisms necessary to achieve the fullest possible accounting are in place. The results achieved during the last year demonstrate this. We must keep in mind, however, that the fullest possible accounting is a process that will be achieved only after many more years of very hard work. This point is brought home by the fact, as Ambassador Lord has pointed out, that we continue to recover remains from American servicemen lost more than 50 years ago.

Last year we dispatched a team to New Guinea and recovered the remains of servicemen lost during World War II. More recently we traveled to Tibet where we recovered the remains of three airmen lost flying the hump between Burma and China. Our obligation to our missing men and to their families will continue as long as there are POWs and MIAs to recover. We will keep our promise.

Thank you.

Mr. ACKERMAN. I think we have no choice but to start some questions for Mr. Lord at least at this point insomuch as we are going to lose him for awhile.

General, we do know you have some time constraints as well.

Gen. NEEDHAM. Sir, I do not need to read my statement. I am prepared to take the questions, and we can just get started.

[The prepared statement of Gen. Needham follows.]

Mr. ACKERMAN. Fine.

Has our Government in the past, and this goes through now six administrations, misled the families and the American people as to whether or not people were left behind?

Mr. LORD. Well, that is obviously a subjective judgment. I do believe, as I indicated in my statement, that ever since Operation Homecoming the performance of several administrations has been inadequate. I do not believe there is a grand conspiracy of covering up. I do believe from what I know, and I was not heavily involved in this during any of that period, that there was not sufficient efforts to get information to the families quickly. I do not pretend to be an expert on the mechanisms that were used. I do not believe anybody in a responsible position set out to mislead families. But certainly the kinds of information provided was inadequate on many occasions.

Mr. ACKERMAN. Was or is there anything in the national interest that would indicate that we should not have been as forthcoming throughout all these years as we could have been?

Mr. LORD. I cannot think of anything.

Mr. ACKERMAN. Was there anything in the bureaucracy that says you hold on to all these documents?

Mr. LORD. Well, I do not want to level unfair charges. I was not involved in this issue in the government except, of course, during the Paris Peace Negotiations, and since I have been back in government under this administration. So I am basing this on what I have read from the outside.

There are many dedicated people throughout this period who did their best to help the families, and I do not wish to slight their effort.

Mr. ACKERMAN. I understand, Mr. Secretary. That has nothing to do with politics.

Mr. LORD. I understand.

Mr. ACKERMAN. We are now in our second Democratic administration. We have had four Republic administrations. We have had all kinds of Congresses, you know throughout these two decades. But it seems to so many that these people have been struggling mightily against the government and listening to us all here today collectively say that they should be entitled to the fullest possible accounting of everything, and then to hear so many stories of people having to jump through hoops to file papers and forms and petition the government and fight their own government at every turn to try to get documents, when we are saying we want a full accounting from the Vietnamese, there is so much frustration, and I know that you have just been recently on the scene and heretofore not involved in this particular facet.

But is there a reason that they have to fight against their government?

Mr. LORD. Well, they should not have to fight. The government should help them. I will let other—my colleagues may know more about this than I do.

I do believe that President Clinton has been the most open of any President. He ordered the declassification of all files. He kept that pledge, again with a tiny fraction, because of personal privacy or extreme national security sensitivity. He is continually consulted as his advisors on the outside. So I believe this administration is making a full-faith effort to avoid the kind of problems you are talking about. But others can talk about the history better than I can.

Mr. ACKERMAN. General.

Gen. NEEDHAM. Mr. Chairman, since our organization has been in existence for 2 years, it is our policy that we classify nothing, and that we try to get the information back to the service casualty officers for passage to the family as fast as we can process it.

I think we are doing that, and we continue to try to make it faster and more streamlined and we try to answer every question that comes our way.

Mr. ACKERMAN. Do we have information that we are withholding now from the families?

Gen. NEEDHAM. In my organization, I know of no information that is being withheld from the families. There is some information that there is a time lag. For example, the operation that was finished in Vietnam on the 30th of January—it will probably be about a 30 to 45-day lag before the information all gets to Washington

and distributed to the families. But I know of no information that our organization is sitting on.

Mr. ACKERMAN. Do you know of any information outside of your organization?

Gen. NEEDHAM. No, sir, I do not.

Mr. ACKERMAN. Mr. Secretary, do you know of any information that the families are looking for that we are still withholding?

Mr. LORD. No, I do not.

Mr. ACKERMAN. Mr. Ross.

Mr. ROSS. No, I do not, Mr. Chairman. In fact, I would point out that essentially over the past year and a half we have instituted a policy that all primary next of kin may have access to their classified files. And I would point out that most of what is in the classified file has now been declassified and is in the Library of Congress. But that they can see the original classified documents and we have had about 60 families come in to do that. They can see everything that is in the file on their case. There is nothing withheld from the families on the case.

Mr. ACKERMAN. General, have the Vietnamese provided us with access to all of the prison sites where we believe that our POWs may have been held?

Gen. NEEDHAM. Sir, I can't exactly tell you all of them. I can tell you that we have been to the prison sites that we felt that information was or a check needed to be made. We have just identified to the Vietnamese, last Thursday I gave them in Hanoi a warning that there were nine additional prisons that we wanted to go visit. I understand that we have been to two, possibly three of them before, and that we will be visiting those prisons commencing with the team that is going into Hanoi on the 21st of February.

Mr. ACKERMAN. Have they denied us access to any sites?

Gen. NEEDHAM. Sir, since I have had the job, there is only one site that they have denied me personal access to.

Mr. ACKERMAN. Could you repeat that?

Gen. NEEDHAM. Sir, since I have had the job, there is only one site that I have not had personal access to. That being the Ho Chi Minh Mausoleum.

Mr. ACKERMAN. What about—you say denied personal access.

Gen. NEEDHAM. Yes, sir. I have been in the equivalent of Walter Reed.

Mr. ACKERMAN. What about other members of your team? Have they denied the U.S. access?

Gen. NEEDHAM. Sir, there are three areas in the country we are working with the Vietnamese to get access to. The first area are some naval facilities east of Hanoi that they are working on. The second area is the—

Mr. ACKERMAN. I am sorry. I am just trying to understand the military jargon here.

Gen. NEEDHAM. Yes, sir.

The second area is—

Mr. ACKERMAN. When you say that we are working to gain access—

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN [continuing]. does that mean they have denied us access?

Gen. NEEDHAM. Yes, sir. They have denied us access. We have gone back and say we have some cases that we need to investigate in there. It is a sensitive naval facility, and we are hoping to get back in there on this joint field activity.

Mr. ACKERMAN. In other words, there are three sites that they have denied us access to?

Gen. NEEDHAM. No, that is one area of sites east of Hanoi.

The second area is along the border between Cambodia in a place called Song Be Province, which is northwest of Ho Chi Minh City. They have said that they do not want us going to the border because they have military units up in that area, which I believe is true; that they are concerned about our safety because of the Khmer Rouge, and they are concerned about our safety because of the mines.

Mr. ACKERMAN. That is two.

Gen. NEEDHAM. We have asked permission to go in to that area coming later this month, and we believe that is going to be approved.

And the third area is Cam Ranh Bay. We have five cases in Cam Ranh Bay. I told them last week that they had to give us an answer when we could get into Cam Ranh Bay or tell us the reason we cannot get into Cam Ranh Bay. But one of the reasons, I believe, that we are having problems getting into Cam Ranh Bay is that they cannot get into Cam Ranh Bay.

Mr. ACKERMAN. That is three sites, right? That is three places?

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN. What did you mean before when you said there was only one place that they have—

Gen. NEEDHAM. I thought you were talking about me personally that we—

Mr. ACKERMAN. We do not want to personalize this.

Gen. NEEDHAM. OK, sir.

Mr. ACKERMAN. We want to talk about our whole government here.

Gen. NEEDHAM. Yes, sir.

The three general areas outside of the center of Ho Chi Minh. I mean, center of Hanoi.

Mr. ACKERMAN. There are three sites denied to your team. And previous teams, were there additional sites denied?

Gen. NEEDHAM. Sir, most of the other sites that I know of since we have been in existence that we have asked to go to, we have been able to get to.

Just recently they got us permission to go on the border of Cambodia and Laos in the areas west of Pleiku that Mr. LeGro referred to.

Mr. ACKERMAN. Yes, but are there sites that you were denied in addition—not just you or you personally or the current team or the people there today, but throughout 20 years have there been places that we have asked to see, anybody has asked to see, that they have denied us access?

Gen. NEEDHAM. Sir, I am only familiar with the issue back 2 years because I just wasn't involved and do not know that much.

Mr. LORD. It would seem to me the relevant point here would be, Mr. Chairman, that I do not know how many were denied before,

but the General can back me up on this, but we are getting more access and being denied a lot less under President Clinton's policy.

Mr. ACKERMAN. No, that is not—

Mr. LORD. Well, but it is rather important. It is a policy implication of what works and what does not work in terms of getting more cooperation. If they were denied in the past, and under this administration are being opened up, it seems to me that suggests the policy is effective. That is the point I was going to make.

Excuse me.

Mr. ACKERMAN. Yes.

I am a bit concerned here because some of the things that we have heard indicate that there has been remarkable progress and we are getting access to everything, and we have had a change in policy because of that, and I am not trying to rechange any policy or anything. I just want to take this thing and move forward to see where we go.

But I am also, I am also trying to understand the answers, and I am concerned about that they are denying us less now than they did before, and the General's statement that there is no institutional memory—my words—but there is no institutional memory of other sites that they might have denied us access to.

If 5 years ago there were three or four sites and 12 years ago and 15 years ago there were several, several, several sites, there may be a whole bunch of sites and I would think that there would be somewhere an inventory of these sites to which we have not been able to visit.

Gen. NEEDHAM. Well, sir, I can tell you that 2 years ago there were many places that we could not go to. Now I virtually have identified every place in the country that we need to go to. They are either letting us go there, we are making provisions to go there, or these three sites that I outlined to you that we have identified to them that some movement has got to be made.

Mr. ACKERMAN. General, would you be able to come back later this afternoon?

Gen. NEEDHAM. Sir, I am due to leave to head out of town this afternoon.

Mr. ACKERMAN. We have a vote on.

Mr. ROHRABACHER. It is a series of votes.

Mr. ACKERMAN. Series of votes?

Mr. ROHRABACHER. It is a series of votes.

Mr. ACKERMAN. We have a series of votes, so we are going to be at least 20 minutes or so.

Would it be possible for this panel—what is the latest you can remain here, General?

Gen. NEEDHAM. Sir, about 3:30.

Mr. ACKERMAN. About 3:30.

And, Mr. Secretary, you have to leave?

Mr. LORD. I can be here—I will come back. I just checked. The meeting is still on. But I will come back as soon as it is finished. It is at the cabinet level, so I think I should be back by 3, and I can stay until 4:15, at that point I have to meet the Prime Minister of Japan.

Mr. ACKERMAN. OK, we are going to take a break for this series of votes, and we will resume at that time. And, Mr. Secretary, I

assume you will not be here, but you will return, and we will just begin where we left off.

Mr. LORD. I will come back as soon as I can.

Mr. ACKERMAN. Yes, please. We will fill in the pieces and try to get the answers to the questions that we seek.

We stand in recess.

[Recess.]

Mr. ACKERMAN. The subcommittee will continue.

I believe we left off discussing how many sites to which we might have been denied access both presently and during the course of the history of our quest for POWs and MIAs, and perhaps we can resume that point.

General.

Gen. NEEDHAM. Well, I would just say, sir, that since I have had the job 2 years, the access has been greater and greater. It is greater this month than it was last month and it is certainly greater than it was 2 years ago. Just recently in the last field activity there were a couple of sites that the province officials were hesitant to let us go to. We brought it to the attention of the Central Government folks, and we subsequently got to those sites. So it is a constant give and take.

But there are three sites that I brought to their attention last week; Thursday, as a matter of fact, that we wanted to get to, and we wanted an answer either when we could get to or why we could not get to them.

Mr. ACKERMAN. General, are we to infer from your comments before that the only record we have of sites denied to us are since you have been responsible for the team effort?

Gen. NEEDHAM. I would say, sir, that we could go back through the records of the Joint Casualty Resolution Center and probably check out where we have requested to go in the past. I believe that there are pretty good records since they started meeting regularly as a result of the General Vessey initiative in 1987.

Mr. ACKERMAN. Did General Vessey keep records of sites, the access to which were denied?

Gen. NEEDHAM. Sir, I do not know.

Mr. ACKERMAN. Would you not think it prudent in investigating sites where there might be or have been or could have been POWs or those missing in action to check the historical documentation so that that might be brought up? Maybe, maybe not, but maybe there may be a major find at one of those locations that were denied, and with the new thrust and impetus and fresh personality that you bring to bear with your team that going to a site that might have been denied previously might prove fruitful?

Gen. NEEDHAM. Sir, when I got the job my charter was to take each and every case and investigate it, regardless of what investigations have been conducted in the past.

We go through each file. We have pretty—

Mr. ACKERMAN. Is that each and every case that came to you anew and fresh?

Gen. NEEDHAM. No, sir. No, sir.

Mr. ACKERMAN. Each and every case since the outset?

Gen. NEEDHAM. Sir, when I took the job there were 2,267 unaccounted for in Southeast Asia. And my charter was to investigate

each and every one of those cases anew commencing in January of 1992, regardless of how many investigations had been previously conducted.

Mr. ACKERMAN. What I am confused about, and I did not necessarily want to get into methodology here, but it would seem to me that one of the logical ways, and I am sure you have many ways of doing this, would be to see where they did not want us to look before.

Gen. NEEDHAM. Sir, I believe that would be in the records, but I cannot speak to each and every case. I can just tell you that we have kept track of where we wanted to go, where they would let us go, and I believe that we are down to just those three locations that we want to go that we have not been allowed to go to.

Mr. ACKERMAN. Yes, but the previous team—maybe you misunderstand. The previous team might have come up with three or six or any number of other additional locations that they suspected for any particular reason, maybe good reason, where they might have made some discoveries.

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN. Would you not want to know that there was a site at location X that General Vessey or anyone before him might have suspected, to which the Vietnamese would have denied access?

Gen. NEEDHAM. Absolutely, sir. And I believe that right now we have gone through every case in Vietnam of the 1,600-plus cases, and we have them scheduled to go do, and we have already reviewed that, but I just cannot say that for sure that we have that particular data and checked that data. But we have every case on a scheduled investigation of the 1,600-plus cases in Vietnam.

Mr. ACKERMAN. Let me do it this way then. Could I make a suggestion to you?

Gen. NEEDHAM. Sure, sir.

Mr. ACKERMAN. And that would be that you check the historical record to see any site that had been previously reported, not necessarily to you during the course of the past 2 years or so, but that might have been reported to any other team, American group, entity, or individual, where a request was made of the Vietnamese, and that request was ignored or turned down; that that request be made anew?

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN. And that you get back to us and let us know how many locations there might be and what your progress is?

I mean, it may be a huge volume and it may be only a scattered few. But I would think that might be a reasonable way to allay any concern that there are sites that they, for whatever reason and one would think if they had reason to deny us, these might be the places we might be real curious about.

Gen. NEEDHAM. Absolutely, sir.

Mr. ACKERMAN. Thank you.

Could you tell us what advantage we are taking with what I will call at this point a new opportunity under the new policy that has come down, the lifting of the embargo, what new opportunities abound and to what advantage are we using those to make further inquiry or investigation?

Mr. ROSS. Mr. Chairman, the policy decision was made based on an assessment that incremental moving forward with Vietnam, based on increased cooperation and increased results, would lead to greater and greater results as we go down the road.

Since the decision was made in July to not block Vietnam's arrears in the International Monetary Fund, and since the decision was made in September to modify the trade embargo, we believe that there has been a renewed attitude on the part of the Vietnamese to be more cooperative, to be more helpful in all aspects of our efforts in Vietnam.

The President, as I outlined in my statement, based on the four areas, made the decision that there had been sufficient progress to move forward and lift the embargo.

Now, we are not saying the Vietnamese have done everything, but we believe that in the coming months their commitment to continue progress in Vietnam will be greater, and that there will be greater results.

Now, someone asked the question earlier about access to businessmen and people going in and out of the country. Certainly that—you know, the more people that have an opportunity to go to Vietnam and as family members and others go to Vietnam, there will be greater contact.

But if I could refer briefly to a statement Ambassador Toon made yesterday in the veterans briefing in the Pentagon about the experiences we have had in the Soviet Union, he said that, you know, that President Yeltsin and General Volkaganov had been very cooperative, and he was confident that there was—that they were being as forthcoming as possible, but that there were people in the former KGB and GRU Apparatchiks who were not being as cooperative as possible.

Clearly, Vietnam has got a large and difficult bureaucracy. We believe that moving forward on the embargo and improving U.S. and Vietnam relations should have an effect on all individuals throughout the country and throughout the Ministry of Defense and the other organizations that we are involved with.

So we believe it sends a signal which tells everyone involved that private citizens and government officials and military personnel as well, that there is a new sense of cooperation in the relationship, and that they, to the maximum extent possible, should move forward and do what they can to help us resolve the issue.

Mr. ACKERMAN. Do you know of any reason to believe that the Vietnamese might have promised or indicated greater or further cooperation if we lifted the trade embargo?

Mr. ROSS. In my recollection, I am—in other words, you mean sort of some deal being made beforehand that if we lifted the embargo, they would be more cooperative?

I do not know that any explicit statement of that was made, and I would hesitate to put a subjective interpretation on implicit interpretations of what Vietnamese Government officials have said.

Clearly, the Vietnamese have sought to have the trade embargo lifted and to move forward in the relationship. But the United States—

Mr. ACKERMAN. Have they hinted at it?

Mr. ROSS. I think that that is a question that Ambassador Lord should more properly answer since he has been leading in these negotiations. I have been there, but I would not want to—I think that is a question that he would better answer when he is here later.

I would not characterize it that way.

Mr. ACKERMAN. How do we best get the Laotians to cooperate?

Mr. ROSS. I think that—I think General Needham probably has some views on this, but I think that we have to continue to be strong. We have to continue to press the Laotians for various things that we have been asking for. The problem with Laos is, and I am not making any excuses for the Laotians, but it is a different problem in Laos. The nature of the government is different. The nature of the regional governments is different. It is a difficult problem, and we are working on it.

Maybe you would like to comment.

Gen. NEEDHAM. Sir, I think that is the most difficult question facing my organization at this time. Cooperation in Laos continues to move forward. It is better this month than it was last month, but it is moving at a more controlled pace, and there are some areas in Laos to which we have requested access and for which we are still awaiting an answer.

We have another meeting scheduled with them next week. We are optimistic that in one of the main areas of Laos, in the northeast corner where we are very interested in going to, we are hoping that they will allow us to go there in March of this year.

Mr. ACKERMAN. I believe we are going to hear from the American Legion a suggestion that a Presidential commission be established on POWs and MIAs.

How would you respond to that?

Mr. ROSS. Well, that is a decision for the President to make, and I would not presuppose to guess what he would do. All I would argue is or all I would say is that the Senate Select Committee made the most thorough review of the POW/MIA issue that has ever been made since the end of the war. Every issue was brought up and examined carefully, and I think the Senate Select Committee's recommendations in their final report speak for themselves.

We believe that the current mechanism within the Department of Defense is adequate, and more than adequate to accomplish the mission. Like I said in my statement, we will devote whatever time, whatever resources, whatever talent is necessary. We have recently formed the Defense Prisoner of War Missing in Action Office.

As you know, the Pentagon is under going various budget cuts. Offices are being cut. Civilian work force is being cut. The services are being cut. And yet in my organization we have 46 new positions to hire for. We have been expanding to do this. So my comment to you, Mr. Chairman, is that I think that we are doing the very best that we can. We are working as hard as we can on the issue.

Mr. ACKERMAN. General, why would someone who cannot get her husband back from the Vietnamese not be able to get his authenticator code from the Americans?

Gen. NEEDHAM. Sir, I do not understand that. The authenticator code is not in my area of operational control.

Mr. ROSS. I will be happy to address that, Mr. Chairman.

We, as a matter of policy, have not released authenticator codes. If you begin to hand out the authenticator codes of individuals who were lost in Vietnam, and they become public, you are going to be seeing those authenticator codes start popping up all over the place, and fabricators and individuals who have been seeking to take advantage of this issue will use that information and make it that much more difficult for us to investigate the issue. And so as a matter of policy, although some of these codes have made their way into the public, the Department of Defense as a matter of policy does not release those codes.

This was a very sensitive program throughout the war, and although much has become public in the ensuing months and years, the attempt here is to protect our ability to continue to investigate these cases through satellite photography and everything else. And all you will do is give individuals who wish to take advantage of the families and to seek profit or gain from this, begin to use those authenticator codes in that way.

Mr. ACKERMAN. You mean somebody in Vietnam, for example, would go over and stomp somebody's authenticator code in the grass?

Mr. ROSS. Things like that have been known to have been done in the past, and/or people can come in and say that they received a note or a message or something, and they can—just like the dog tag reports and all the things that we have got out over the years, those authenticator codes could be misused. And we believe, in the interest of protecting our ability to investigate what are legitimate—

Mr. ACKERMAN. Are you suggesting that it would impede the investigation and throw you off the trail because there are live Americans in Vietnam who are still well enough and capable enough to stamp out or paint somewhere the—

Mr. ROSS. No, Mr. Chairman. I am suggesting that we have never ruled out the possibility of there being live Americans, and individuals who are MIAs, who were given various different codes, to begin to take all the—if you do it for one family, you are going to have 1600 or 2200 individuals who are going to want access to that information. And if you begin releasing these authenticator codes to the public, you in all likelihood are going to see these numbers popping up in all different forms. And that, in our judgment in DOD, would not be helpful to the search.

Mr. ACKERMAN. Cannot people now go and make up a code and just stomp it out somewhere?

Mr. ROSS. Yes, certainly they can. But they are not necessarily the correct codes.

Mr. ACKERMAN. But it might be a code belonging to somebody.

Mr. ROSS. That is correct, Mr. Chairman.

Mr. ACKERMAN. But we have not seen that happen or have we?

Mr. ROSS. We have—for example, there are two in the Senate Select Committee hearings, we have—of all the satellite photography of Southeast Asia during this period, we have two symbols that we know were man made. One is the infamous U.S.A. in a rice patty in Laos, and the other is the 15 or 1973 TH that appeared around 1976.

We do not have examples, to my knowledge, of individuals going out and stomping authenticator codes. But we have had many accusations or many claims that there are hundreds of authenticator codes out there in various photographs, which have been looked at and examined thoroughly by the intelligence community.

Again, I go back to my original——

Mr. ACKERMAN. What conclusions have been formed?

Mr. ROSS. The conclusions that were formed were that the only two symbols that are clearly man made are the two that I mentioned, and all the other symbols that allegedly appear in various photographs are anomalies in the photographs, are optical illusions, or do not in fact exist on the ground. And if they do exist on the ground, are shadows and trees or various things. They were not made by human beings.

Mr. ACKERMAN. Is that a universally held conclusion?

Mr. ROSS. That is universally held by all photo interpreters currently employed by the CIA or the DIA. That is not held by some independent——

Mr. ACKERMAN. What about formerly employed——

Mr. ROSS. There is Mr. Burroughs who has held some different views, but I would leave him to speak for himself. I would say that current employees of the CIA and DIA, representing a large number of years of photo interpreter experience, have looked at all of these photographs. I have looked at these photographs. I am not a trained photo interpreter, but I have looked at them. And those individuals have stated under oath before the Senate Select Committee that the only man made photograph, the only man made images on the ground are the two that I mentioned.

Mr. ACKERMAN. Are there or are there not any independent, recognized expert not affiliated with the DOD or agencies of the government that we could turn to to dispel anybody's notion or whim or wish to find—I do not mean members of Congress. I cannot even find Waldo in those pictures that I know he is in. But people looking at these things who are some kinds of experts?

Mr. ROSS. Well, photo imagery interpretation of the time we are talking about is not an art that is regularly practiced in private industry. There are—like I said, there are individuals who have been in the government, who are no longer members of the government, that are maybe qualified to do that. But during the Senate Select Committee hearing, the Senate Select Committee was given an opportunity of bringing its own experts, noncurrent employees of the government in, to look at these photographs. So I believe that process was—that process has been gone through.

Mr. ACKERMAN. We heard testimony before that we should be uncovering the ground around some of the prison sites. Are there prison sites that we have not done that at?

Gen. NEEDHAM. Yes, sir. There are nine prison sites that have been identified by Mr. Ross's office that have been tasked to the field for us to investigate. The DIA Stony Beach investigator will be going into country on Monday, the 21st of February. His team will be composed of two investigators and one grave registration expert, and they will conduct the investigations at these nine sites and have the ability to check out the grave information if it becomes apparent that there is something there.

Mr. ACKERMAN. Are those the only prison sites, or former prison sites?

Gen. NEEDHAM. Those are the only sites that are presently on the books that I know of for investigation. There may be a 10th one coming but—

Mr. ACKERMAN. No, no, no. The question was not on the books for investigation. The ones that you are investigating. I assume are on the books for investigation. But are there prison sites that are either on or off the books but at which there has been no plan to make discoveries at?

Gen. NEEDHAM. There are other sites that we have investigated. We have found nothing that would warrant further investigation at those sites or to look for any graves.

Mr. ACKERMAN. Let's go to Mr. Rohrabacher who has been very patient.

Mr. ROHRABACHER. Thank you, Mr. Chairman.

I would like you to listen to these figures to, first of all, see if I have got them correct. There are 98 individuals who we term or who are termed by our Government as being—I mean, special remains cases, which means that we know that Vietnam knows what happened to them, or we believe Vietnam knows what happened to them.

We have 73 cases where people were last known alive, meaning we have the reason to believe that these people were at one time alive in the POW camp system. And we have 53 cases from Laos where people bailed out of their aircraft or were out of their aircraft and their planes crashed, but they were—they actually parachuted down before the plane crashed. They were out of the airplane before it hit the ground, and all of these people, the 53 cases, hit the ground in areas that were controlled by the North Vietnamese.

Am I inaccurate in that analysis?

Mr. ROSS. The first number you quoted, the 98—

Mr. ROHRABACHER. Yes.

Mr. ROSS [continuing]. there are 98 individuals in 84 cases that are the focus of efforts by the special remains team in Vietnam. These 98 individuals were derived from 12 individuals in the photographs that were given to us by the Vietnamese. A larger number, I don't have the exact number, of individuals who are in graves registration documents—

Gen. NEEDHAM. Forty-three.

Mr. ROSS. Forty-three?

Gen. NEEDHAM. Yes, sir.

Mr. ROSS. And then the remainder are from information that was developed by the Joint Task Force Full Accounting through interviews, et cetera. You are correct on that number.

The 73 is the remaining individuals last known alive, priority discrepancy cases in Vietnam. I do not have any reason to dispute the number in Laos, but I do not have that one on the tip of my head.

Mr. ROHRABACHER. Is it your position then today at this hearing that the Vietnamese are not holding back any information that they currently have about these several hundred cases that I am referring to?

Mr. ROSS. I do not know whether the Vietnamese are holding back information or not. What I know is, is that we have gone to the Vietnamese and said you yourselves have given us photos and graves registration. Let me, if I may, Mr. Congressman, just explain about one of these graves registration documents.

There may be a document for a particular province that has 15 or 20 names on it. And you go down that document and 10 of those individuals have been returned and identified. And then there may be five individuals who are listed that have never been returned. We do not have the remains.

So we presented this in August of last year when we met with the Vietnamese in Hawaii. And we said that, you know, we would like you to look for the information that you have on these, and they also recommended forming a joint team with General Needham's people to go out and do that. And to date, I think 16 of those cases have been investigated and seven grave sites have been recommended for excavation.

Mr. ROHRBACHER. OK. But you cannot say, you are not testifying to us today saying that you feel with any certainty whatsoever that the Vietnamese are not holding back information on the cases.

Mr. ROSS. Of course not. No American official can testify for certain what the Vietnamese are doing or not doing.

Mr. ROHRBACHER. But your inclination is, let's say, OK, without—we are not saying certainty, but your inclination would be to believe that the Vietnamese are not holding back information on these cases?

Mr. ROSS. The belief is that what the Vietnamese may be holding back or not holding back has been one of the most hotly debated issues within the POW/MIA issue for many years, and this has been looked at by DOD and by State and by the NSC, and the belief is that for years and years and years we made very little progress. The belief is whatever there is out there, whether somebody is holding it back or not, the best way to get access to that information is to move forward. That is why the decision was made.

Mr. ROHRBACHER. I guess what I am asking you, we had two experts here. I am just asking your personal opinion. I mean, you are under oath, but this is an opinion matter. So whatever you tell me is your personal opinion, it does not—

Mr. ROSS. My personal opinion is that out of a given number, if you say—as we say, the number is 98. My opinion is the Vietnamese ought to be able to either come up with the remains or come up with information as to why they cannot come up with the remains. I do not know for certain what they are withholding and what they are not withholding.

Mr. ROHRBACHER. So you do not know—OK.

General, do you want to express an opinion on this?

Gen. NEEDHAM. Well, I could say on the 84 cases, and I said there were 43, one of the numbers, I meant 43 cases because my numbers are in cases. You are talking, sir, about numbers.

But of the 84 cases, they are broken down into three groups. Twenty-nine cases, the individual died in captivity. Twelve, they gave us the picture of the individual dead. Forty-three, we have ex-

tracted from documents that they gave us, information, that they should have the records.

Now as Mr. Ross said, we have actually found seven sites. One of them we have excavated. We found no remains, right on the border of Tay Ninh Province, Vietnam, and Cambodia. The other six sites are due to be excavated in the next month.

As far as the special remains team goes, I think since we have only investigated 16 of the 84 cases, it is a little too early to tell exactly what we are going to find. But they have got, from what my observation is, very good people on it because they realize this is the one area where they have got to account for where these remains are.

Mr. ROHRABACHER. Is my interpretation of your answer to say that you personally believe that they probably are cooperating and are not holding back information on the cases that I have listed here?

Gen. NEEDHAM. I do not think that you can ever say that everybody is totally cooperating. My personal opinion is that the individuals at the senior level at the central government are trying to give us the information. I am not totally convinced that everybody at the lower level, that some of the low level officials are telling us everything we want to know.

Mr. ROHRABACHER. All right. With that understanding that that is your personal opinion and fine. When I was there in December with you, I saw the heroic efforts of your team in a jungle effort that was probably one of the most incredible exercises that I have ever witnessed where people are actually having to come down from the helicopters on cable and go into the jungle and on a hillside cut out a helicopter landing pad, and then stumble around these jungles looking for what was a major North Vietnamese hospital and an attached POW camp.

You remember that area that I am talking about?

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN. Was the hospital and POW camp that they were looking for found?

Gen. NEEDHAM. No, sir.

Mr. ROHRABACHER. OK.

Gen. NEEDHAM. And I believe Mr. Bengé said something today that caught my attention. We cannot find that hospital and that prison camp. I have asked that we make it a top intelligence priority to find it. We are pretty sure, as you know, you were there, it is not in northeast Cambodia. We are reasonably sure it may not be in western Vietnam.

Now, we are exploring that it may be just over the Cambodian border. You know, Cambodia gets very thin there, in Laos. We are trying to find that particular hospital.

Mr. ROHRABACHER. General, if I can just go on at that point.

I guess the point that I am making is that, and, Mr. Chairman, there must be at least 500 or perhaps 1,000, perhaps 2,000 men to served in the North Vietnamese Army who were at this prison site and this hospital site. And for us to assume that the Vietnamese Government is cooperating with us, while they will let our teams, which are heroic and you take pictures of them and you say, look, we are working really hard, and they are working really hard.

They demand our respect. But the North Vietnamese could pinpoint the location of that POW camp and that hospital. They must have had 500 to 1,000 men who were there for significant time periods during the war. Yet they allow us to stumble around.

Now, how can any of us assume that these leaders of this government are cooperating with us when we have that type of situation staring us in the face?

Gen. NEEDHAM. Well, I cannot comment directly, but I can tell you that it is a very difficult thing to find. Mr. Bengtson stated that the prison camp was not as we envision a prison camp, that it was a tree, and it was not the built up area. But that is a question that is foremost on our mind and we are putting all the assets we have against it to try to find that complex.

Mr. ROHRBACH. OK, let me move on to another point, another example making the same point.

General, we have a colleague with us, Mr. Pete Peterson, who was a prisoner of war during the war. On the way to Vietnam in what month? May? May, when I saw you in Hanoi. Pete mentioned to me that he had been held for 6 years, and he told me that for the first 3 of those 6 years he was an MIA and not a POW, and that his family was told that he was MIA, and the government official was that he was MIA and not a prisoner of war. And then after 3 years he became a prisoner of war.

When I asked him as to whether or not he had met any Americans during that time period when he was an MIA for those first 3 years, he told me no. He was kept totally isolated from other Americans.

Does this not indicate to you that maybe some people who were held MIA might have been kept afterwards?

Gen. NEEDHAM. Well, sir, that is our number one priority, and we spend every day trying to find as much information as we can. But to date, we have found no information that can confirm that.

Mr. ROHRBACH. All right. OK, with that said, General, when I was there with you in Vietnam and we were negotiating with the Vietnamese, one of the requests that I made was to have the records of the prison in which Pete Peterson was kept. In fact, I enlarged that to say let us have the records of the prisons where our guys were kept.

Can you tell us whether or not the Vietnamese have made those prison records available to us?

Gen. NEEDHAM. Sir, I am just not—I will have to get back with that. I do not know the answer to that specific question.

Mr. ROHRBACH. From what I have been told the North Vietnamese have not made those records available to us. I do not understand how anybody in this government, and I do not understand how Senator Kerry, I do not understand how anybody representing this government can sit here with a straight face and suggest that there has been a high level of cooperation at a time when they do not even permit the records from the prisons where our guys were being held to be made available to us. There is something wrong here.

Now, the President of the United States knows that. I sat at a table in the White House and mentioned this specific demand.

said before the embargo is lifted, at the very least let us get a copy of the records of the prisons where our people were kept.

Was any demand like that made, Mr. Ross, before this embargo was lifted?

Mr. ROSS. I am not aware of a specific demand about the records of the prisons although we have been asking—we have been asking the Vietnamese for a long list of things for a long time.

Mr. ROHRABACHER. Well, when Secretary Lord gets back, we will ask whether or not that demand was made. Now, there are other human rights things that I would hope would be on the list as well.

Maybe you could give us a list of—could you mention some of the other things that you have been asking for that the Vietnamese have not been forthcoming? You just mentioned that you have some things that are on the list.

Mr. ROSS. Well, we have been after for a long time the Group 875 and 559 documents, which we have begun to get at this point. We have been asking for records of POWs; records that apply to particular individuals and POWs.

Let me say about the prison system that we have a great deal of information on prisons in Vietnam, and we have talked to hundreds, if not thousands, of former inmates—

Mr. ROHRABACHER. Do you believe all the records from those prisons were destroyed after the war and they just are not available or are they being held back?

Mr. ROSS. I do not believe they were all destroyed, but I—

Mr. ROHRABACHER. I have talked—I have talked to scores of people on this specific issue. Not one expert on this issue believes that the records of those prisons were destroyed at the end of the war and that they do not have those records.

Mr. Chairman, I submit to you there is a very valuable piece of information that is being withheld from us by the Vietnamese. We should have demanded that evidence before the embargo was lifted. And anyone who tells us from this government—I am not suggesting you are telling us this because you have not suggested that—that the Vietnamese are giving us all the information and giving us full cooperation does not know what they are talking about.

Gen. NEEDHAM. Sir, we demand those records every time we meet with them. A week ago Thursday we talked about these documents Mr. Ross talked about for Group 875, which controlled the U.S. prisoners, and for Group 559, which produced the information along the Ho Chi Minh Trail.

In January they produced a battalion commander from a defense battalion that we had been asking them to produce. He brought in some of his own personal records. He said he would go back and try to canvas other members of his battalion to produce records.

So that I believe they are out trying to find some of these things, but there is more to be found, and you are absolutely correct there.

Mr. ROHRABACHER. If you two gentlemen could submit for the record, please, a list of the demands that have been made for information that have not been forthcoming by the Vietnamese, that would be very helpful to the committee.

Mr. Chairman, we have another vote on, but I have some other questions that I would—

Mr. ACKERMAN. We will at this time break for this one vote, I believe, and get back here as quickly as possible to continue.

[Recess.]

Mr. ACKERMAN. The subcommittee will continue.

Mr. Rohrabacher?

Mr. ROHRABACHER. Yes. I would like to thank both of the witnesses for staying, especially the General who I know is under time—do not tell me that. This is not it?

Mr. ACKERMAN. That is it.

Mr. ROHRABACHER. That is it. All right.

Mr. ACKERMAN. We were lied to.

Mr. ROHRABACHER. Do either of you—

Mr. ACKERMAN. We were told we had 10 minutes before they rang the bell.

Mr. ROHRABACHER. Have there ever been a situation where dog bones were returned to the people of the United States and told that these bones were the bones of POWs?

Mr. ROSS. In the years after the war, before we initiated forensic examinations, I cannot specifically say dog bones, but I am sure that we have gotten bones of a little of everything over time.

But we now, since the JTFFA has been business, we do a forensic examination in Vietnam, and we only bring back to the United States the bones of human beings that we believe are probably American servicemen.

Mr. ROHRABACHER. In the last few years, we have received no bones that were nonhuman bones back when we were being told that these were the remains of our POWs?

Mr. ROSS. I cannot give you a definitive answer on that. I would have to refer to CILHI to get a definitive answer on every set of remains.

Mr. ROHRABACHER. General, do you know?

Gen. NEEDHAM. I can say, sir, that there were no sets of remains to my knowledge brought back from Hanoi as a result of the joint forensic review of that nature.

Mr. ROHRABACHER. Well, let us see because we have only got a few minutes. I would like to—first of all, when I worked at the White House, and I want this for the record, Mr. Chairman, I had 5 minutes with President Reagan upon my exit of leaving the White House. President Reagan, you have that when you work at the White House, OK, when you are a special assistant to the President. President Reagan told me that there were American POWs in Vietnam when I was there, and I was aghast when he told me that. But he said, "But, Dana, they want to be there. They are married to Vietnamese women. They do not want to come home. They do not want to be disturbed."

Do you know of any cases where there are Americans in Vietnam who were at one time, at any time prisoners of war?

Mr. ROSS. No.

Gen. NEEDHAM. No, sir. And I do not—starting last May we have repeatedly asked the Vietnamese that question. They have started saying, and I quote, "There are no Americans living freely in Vietnam at this time." And they believe that there are no Americans of that nature that may have stayed behind, married a Vietnamese and are there raising a family.

Mr. ROHRABACHER. OK. Do you think that Ronald Reagan just—he got that information out of official channels?

Mr. ROSS. Over the years, especially in the early 1980's, as you are all aware if you go to the Library of Congress and you read any of the many reports and the thousands of pages of documents that have been declassified, there are lots of different human intelligence reports that have come in that have reported one thing or another, and some of these reports are still debated.

But the President may have formed an opinion based on some piece of intelligence that was fresh at the time, but looking back on all that information we do not believe there was any information at that time.

Mr. ROHRABACHER. OK, with that said, I just have one area left that I want to discuss, and it is probably—and I hate to do this because this makes me into some sort of, you know, a person who is being an aggressive and hard knock, and I know you fellows have worked real hard on this issue. I know the teams are out there working. But I have got some very serious questions about the way the job not only is being handled right now. We have heard allegations about the way the job was handled in the past. We will ignore that for right now. We have had that on the testimony.

General, you know of the specific life sighting report that I spoke to you about in Cambodia.

Gen. NEEDHAM. Yes, sir.

Mr. ROHRABACHER. And I hate to say this, Mr. Chairman, but this is really too important an issue, because I have spoken directly with the President of the United States about this report, for us to try to go over it in 5 minutes. And what I would like to do is go vote, and then we can continue talking, because this deserves an honest, on the record examination.

Mr. ACKERMAN. We are under, and it is not anybody's fault, but we are under some strict time constraints that we knew of at the outset of the hearing. The General has a car waiting to get him to a plane. He has to leave at 5 minutes to.

Mr. ROHRABACHER. Well, let me modify it down to a central question, and I hate to do this.

Mr. ACKERMAN. Go straight to the General.

Mr. ROHRABACHER. I will go—

Mr. ACKERMAN. And we will come back and—

Mr. ROHRABACHER. I am sorry we cannot go through all of this, but, General, it seemed to me that when we met in Vietnam, that you were suggesting to me that what I considered to be the most credible live sighting report that I had seen in 25 years had not been followed up on; meaning two Vietnamese military officers. The only reason I am making this public today is because I was told by officials of this government that we had already given this information to the North Vietnamese, and there is no reason to keep this secret at this point.

Two majors in the Vietnamese army came into our Phnom Penh MIA/POW headquarters reporting a live sighting report in May of this year, and that the live sighting report was of two Americans held in prison last year.

And when I talked to you in Phnom Penh, in December, it seems to me you were telling me that that report had not been followed up on. And perhaps you can——

Gen. NEEDHAM. No, sir. What I thought I told you is that report had not been field investigated; that I know that it was being assigned for a field investigation, and the field investigation was subsequently conducted in January.

Mr. ROHRABACHER. OK, if I can then analyze what you just told me, that is totally consistent with what I just said meaning up until the point that I spoke to you it had not been investigated.

There was two Vietnamese officers coming to us telling us about a sighting of two Americans held at that time that was not investigated for 6 months until a member of Congress came to you and personally confronted you with it.

Mr. ROSS. If I can, Mr. Congressman, General Needham's office is not responsible for investigating live sightings. That is done by DIA.

Mr. ROHRABACHER. That is correct. And let me add before you go on, my office has repeatedly called the DIA on this matter. We have not had our phone calls returned. I had to go the President of the United States before I could get any answers on this case.

Mr. ROSS. I am not aware of that.

Mr. ROHRABACHER. And I still do not have an answer. The President's National Security Advisor called me to give us a report on the supposed investigation. And when he gave us his report, which of course the magazines have said was the final thing that permitted the President to lift the embargo, we have gone over the report that was given to us, and it is filled with factual errors that were given to the President of the United States.

Mr. ROSS. I am prepared to address a specific live sighting you have mentioned. What I could say is——

Mr. ROHRABACHER. Can you address why the DIA has not bothered to call my office to address it with me——

Mr. ROSS. No, I cannot, Mr. Congressman.

Mr. ROHRABACHER [continuing]. rather than having us to go through this in public at a hearing, and have a member of Congress waste the time of the President.

Mr. ROSS. I cannot explain why you did not get a call.

Mr. ROHRABACHER. All right.

Mr. ROSS. All I can say is that in May of 1993, an interview by Det 4 in Phnom Penh, they interviewed the individual that came in, and that interview was taped. The Defense POW/MIA data base search in May of 1993 for corroborating information on that was negative. In June of 1993, Stoney Beach tasked to locate the sources in Phnom Penh. None of the sources known at the address——were found at the address provided. No further leads were available in Phnom Penh.

In June of 1993, the DPMO requested Det 4 interview——the interview tapes and the notes. In July of 1993, Stoney Beach asked to look for the Pavn Major in Hanoi. The name and address when passed to VNSOP with negative response.

In August and November, additional analysis was conducted on potential prison locations, source names and possible sights for follow-up investigations. No known prisons matched the descriptions

given. No corroborating reporting was found. Three sites were defined for tasking.

In December 1993, Stoney Beach was tasked to conduct the LSI investigation in Vietnam.

Mr. ROHRABACHER. We are going to have to go through this in a little bit more detail because the fact is what you have already told me is filled with misinformation. Not that you are personally are saying something you do not believe is true.

Mr. ROSS. I am just giving you a list of what was done as a follow-up to that.

Mr. ROHRABACHER. Well, for example, what you just said was that the person giving the report is unavailable and they could not find her.

Why is it that my staff was able to find her——

Mr. ROSS. No, I did not say that. I did not say that. I did not say that.

Mr. ROHRABACHER. Mr. Chairman, we should vote. This needs to be followed up on.

Mr. ACKERMAN. We do have to vote——

Mr. ROHRABACHER. I know the General has to go.

Mr. ACKERMAN [continuing]. On final passage of a bill before us.

Mr. ROHRABACHER. I am sorry.

Mr. ACKERMAN. The General does have to leave in about 10 or 15 minutes or so, which will probably be before we get back.

I will ask Mr. Faleomavaega if he would be kind enough to assume the chair. He having some greater liberties than some of us and he has some questions that he would be able to ask the General prior to his leaving.

But let me say this before I depart. General, we appreciate the job you are doing. You have basically a very, very thankless task. We sent you out there to find information that may or may not be findable. The odds are that all the questions can never be answered; that all of the remains will never be returned. This is the great penalty of war that we as a society pay, and pay doubly and triply and quadruply by the families who have personally made those kinds of sacrifices.

Sometimes the questions get sharp and sometimes they get heated, but this in no way casts aspersions on your good intentions and the good intentions of those who serve under you. We all have a responsibility to ourselves and to our society to collectively work to try to discover everything that we can discover. We do not mean to be taking shots at you as you do your job. We mean to give you all of the encouragement, all of the tools, all of the assets that you need. We in return just ask for the most truthful and forthright answers and effort. And we continue to hope that that is what we will continue to get from you and your team. I just wanted that on the record as well.

The record will continue to be open, General, and the other witnesses, because the subcommittee will very probably submit some questions in writing that you may respond to in writing. Thank you.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, and I too would like to echo the sentiments that have been expressed earlier by the

Chairman of the subcommittee to you, Mr. Secretary, and also to you, General Needham.

I think there is no question that one might say that the question is moot, to the extent that the President has made the decision to lift the embargo. And then I think this is where then it takes us to the very essence of why the Chairman has held this hearing in terms of asking the question where do we go from here.

I am not one also to relate any sins of the past or what we have not done, and what corrective actions we have taken to correct those deficiencies. But it seems to me that only since 1991 that actually the administration or past administrations have tried in a more earnest effort to resolve this very issue that we have been troubled with for all these years.

Someone once said put your money where your mouth is, and one of the things that I always raise, the question both on resources from the Department of Defense. Unfortunately, no one from the State Department is here. Is how much resources did the administration really put forth in an effort to raise or to correct or to resolve some of these questions or issues dealing with the POWs and the MIAs. And perhaps, Mr. Secretary, you can respond to that.

If not, I certainly would like for the DOD to submit for the record, by way of DOD, personnel committed to this project, in terms of the dollar valuation of how much actually have we really committed, by way of money going into the actual pot, and saying that this number of personnel have been committed to conduct this project both by way of military as well as civilian personnel.

Is that a proper question, Mr. Secretary?

Mr. ROSS. Yes, sir.

Mr. FALCOMA. Can you respond to that now?

Mr. ROSS. Well, let me just say that prior to 1991, there were maybe 150 full-time people throughout the Department of Defense, maybe 150, 175, who worked the POW/MIA issue. Now there are over 500 individuals who work full time on POW/MIA issues. I have 120-some. I think General Needham has 160. There is 100-and-some people in CILHI and all the various other organizations.

Putting a number on the exact figure depends on what you want to count. If you want to count everyone's salary and benefits and all the other things, the number goes up. But the estimate that we have used is approximately \$100 million or more a year goes into this process. I am sure that is probably a low estimate.

But what I would emphasize is that no one has ever said that there is a limit to what can be spent. I think the money that General Needham spends comes out of the overall CINCPAC budget, and I think that General Needham will tell you that his boss places no financial restrictions on him, nor personnel restrictions, nor does the Secretary of Defense place any fundamental personnel or financial restrictions on us. We try to organize to the most optimum to do the job.

Mr. FALCOMA. Mr. Secretary, I think that is the very essence of my question, to say that there was no limit in terms of what we could have done, or what we are doing now. It surprises me that from 150 people, now all of the sudden we have 500 people making an honest effort to look into this.

Why have we not done this maybe 20 years ago?

Mr. ROSS. There is a very simple answer to that.

Mr. FALEOMAVAEGA. Again, I am not putting the blame on you.

Mr. ROSS. No, there is a very simple answer. The simple answer is from 1975 until the late 1980's, we had no access to Vietnam, any real access. You could not conduct operations because we were closed out of that country.

Only when joint operations under the Joint Casualty Resolution Center began incrementally in the late 1980's, and then the formation of the Joint Task Force, that we had access, could we actually use those people.

We increased the assets when the opportunity for access presented itself.

Gen. NEEDHAM. Sir, I would just like to echo what Mr. Ross said. I do not believe there are many military officers that can stand before you today and say unequivocally that they have all the resources they need to do the job. And I do not have a budget problem. I am well financed. And if I need more, all I have to do is call Admiral Larson, and that money automatically becomes available to us.

Mr. FALEOMAVAEGA. Now, that is an absolute assurance from the——

Mr. ROSS. Sir, I can guarantee you that is an absolute assurance.

Gen. NEEDHAM. Yes, sir.

Mr. ROSS. And I am already projected funding for 1995 and 1996 that is more than adequate for what we foresee that we need. But if we need more, we just go get it.

Mr. FALEOMAVAEGA. So I think this raises another question to this matter, General and Mr. Secretary.

What happened, taking this huge presumption on our part that there is going to be more cooperation, more assistance that we are going to get from the Government of Vietnam on this very issue, what happens if as a result, do we have some sense of a time table to say 1-year or a 2-year period we go back and look at the results, how much resources have we really committed to really look into this 2238 POWs/MIAs that we are still looking for?

I mean, do we have some kind of a time table in saying within 1 year we are going to reassess the situation again? Are we going to be adding more resources? Or is it just going to be just all of a sudden disappears in the wind and becomes only a password and do not even seem to remember what happened in the past?

Mr. ROSS. General Needham can address the specific operational things. We have X number of crash sites. There are X number of loss incidents. From an operational standpoint, there is one aspect to it.

But the other aspect to it is, just like we pointed out in the earlier testimony about when the Chinese came to us with information that there was a crash site in Tibet from World War II, we put together a team. We went off to China, and we did everything we could to bring back those remains. And we will go back as soon as the weather breaks and actually excavate that crash site.

We will pursue—it goes to the definition of “full as possible accounting.” Full as possible accounting means as long as there is information, as long as there are leads, as long as there is a crash site unexcavated, as long as there is a witness uninterrogated,

untalked to, then we will continue to do this, and we will keep whatever level of resources, I am confident, whatever level of resources is necessary to accomplish that mission.

Today if, for example, the Korean War has now been over for 40 years, 40 plus years. The North Koreans repatriated 194 sets of remains recently. We have the hope that the North Koreans will permit us to have an organization similar to General Needham's that would enable us to go into the DMZ or into North Korea and to recover ourselves remains from that war. And I can tell you with reasonable confidence that we would put together and fund that organization with whatever resources are necessary to go accomplish that mission. So there will be in the Department of Defense whatever we need to do the job as long as there is a job to do.

Gen. NEEDHAM. Sir, we were formed in January of 1992. Most of the personnel were on a 3-year tour. The decision has already been made to start replacing those personnel, and some of the people are actually in training, so that we have no foreseeable end at this point for Joint Task Force Full Accounting. I mentioned to you that the budget is funded out, to my knowledge, through 1996. And the system is being reloaded with people. That should put us into the 1998 timeframe.

Mr. FALEOMAVAEGA. Do you think it would be wise if the President—it would be nice periodically if he could invite the families of the various organizations of these families of the POWs to really make it really a sense of sincere effort that this—that he is not going to drop the ball on this?

The reason for my asking this is that I know when I go to CINCPAC I get a briefing, and I must say the briefing is very comprehensive; not only in terms of our security interests, but then the equation also touches on the very fact that the economic interests that we have in this region of the world. And I am sure that maybe another member may have raised that question.

But has the Department of Defense quantified what is the economic stakes that we have with Vietnam, with 70 million people, potential resources of oil discoveries, things of this sort? Has this taken any real serious efforts on the part of DOD to conduct the studies economically, what this means to us economically?

Mr. ROSS. Well, I am sure that the various intelligence organizations in DOD and CIA and Defense Intelligence Agencies and others have studied various aspects of this. But I can tell you, and I am sure Ambassador Lord will tell you, that economic benefits, various things like that, have never entered into the conversation from the standpoint of those of us who have been evaluating Vietnamese cooperation and results in none of the meetings.

In fact, Ambassador Lord has been asked several questions about what we are going to do in the liaison office and what is this and what is that. And his response has been we really have not—we do not have the answers to those questions yet because that has not been the subject of our conversation.

Mr. FALEOMAVAEGA. You do not think that this has been one of the primary factors leading up to the President's decision to lift the embargo?

Mr. ROSS. Again, I would direct this question to Ambassador Lord. But yesterday before the Senate he was asked that question,

and his response was that we deliberately did not discuss in the various principles meetings, in the various high-level policy meetings that were taken over the past several months on this issue, we specifically did not address economic and various other strategic issues. We only addressed the POW/MIA issue and human rights issues.

Mr. FALEOMAVAEGA. General Needham, I understand you have to leave.

Gen. NEEDHAM. Sir, I am good for a few more minutes.

Mr. FALEOMAVAEGA. I will look forward in meeting with you in Honolulu.

Gen. NEEDHAM. Sir, I hope I am there.

Mr. FALEOMAVAEGA. Are you based in CINCPAC or are you—

Gen. NEEDHAM. Yes, sir. As you come in the gate to Camp Smith, our building is right over on the right in the old Intelligence Center.

Mr. FALEOMAVAEGA. I definitely will get ahold of you and we will get together on this.

Gen. NEEDHAM. Yes, sir.

Mr. FALEOMAVAEGA. Mr. Secretary, I am trying just to relate to this. If you had an option in terms of the priorities that you have to make a decision on, whether to continue our present policy of the POWs or to get the pressure that we have sometimes from some of our business associates and what a beautiful economic opportunity this would be for our country by lifting the embargo, that we will then promote trade in that respect. The fear that I have that in exchange for this trade and business, promotions and all this that we have with Vietnam, as France has already done last year, I say that France is one of the great democracies and one of the worst colonialists that we have had in the history, would you think that perhaps the President took this into serious consideration, that the economics of the whole issue is actually one of the more important factors that led him to lift this embargo?

Mr. ROSS. I have never discussed this issue personally with the President. But I take the President at his word. The President has made several public statements on this issue, and I have talked to others who have talked personally to the President. I can tell you that in all my discussions with Ambassador Lord, with senior DOD officials, with senior NSC officials, to include Mr. Lake and others, the subject of economic benefit, the subject of that never came up.

Again, my responsibility is strictly POW/MIA affairs. And in all the discussions that I have participated in the subject has always been tangible results in the POW/MIA area.

Mr. FALEOMAVAEGA. The 2238 POWs/MIAs that we so far have a number for, does that include the 550 that are in Laos?

Gen. NEEDHAM. Yes, sir.

Mr. ROSS. Yes, sir. That includes all that are lost from the war in Vietnam.

Mr. FALEOMAVAEGA. I see.

Mr. ROSS. That number is very deceptive since—let me take the opportunity to say that 1095 of those individuals are people who we have a 99 percent assurance that they are dead, killed in action, body not recovered, eye witnesses to their death, but we are unable to recover their bodies. There is a number of individuals

who have been lost over water. Looking at the breakdown of that number, I think is very important.

Mr. FALCOMA. General, I know you have to go. I appreciate it.

Mr. Secretary, I do not have any further questions unless you have further comments.

Mr. ROSS. No, I have none. I am just waiting for Ambassador Lord to return.

Gen. NEEDHAM. Thank you, sir. Hope to see you in Hawaii.

Mr. FALCOMA. All right. We will stand in recess for now until the Chairman and the other members return to the committee.

Thank you, Mr. Secretary. Thank you, General.

[Recess.]

Mr. ACKERMAN. We will continue with Mr. Ross. We should be safe for a little bit on this side as far as time. They tricked us last time.

Have you been able to examine further the so-called Russian archives documents, as far as to whether or not they shed any light on the real numbers or the status of any of the POWs or MIAs in Vietnam?

Mr. ROSS. As I think you are aware, Mr. Chairman, we released a week or two ago the interagency analysis that was done on the so-called 1205 and 735 documents. I can make that available to the committee or for the record.

Mr. ACKERMAN. Without objection, we will make that a part of the record.

[The information appears in the appendix.]

Mr. ROSS. The analysis looked at those documents and concluded that they were authentic intelligence reports of that time; that they were not, for example, fabricated, recently fabricated documents; and it analyzed the information in those documents and found that some of the information not pertaining to POWs was accurate and rang true, but that the experts from CIA, DIA, INR and the former Task Force Russia concluded that the numbers, with regard to POWs held in North Vietnam, were likely not accurate.

Now, let me say, because right away everyone—not meaning the Chairman or the committee—that right away many people accuse the government of “debunking” these documents. It is important to keep in mind what it is they compared the information in these documents to. They compared it to 30 years of detailed all-source intelligence information, to include HUMINT reporting, SIGINT reporting, satellite reporting, debriefings of POWs, debriefings of 500,000 refugees, all the information we have on the prison system, and they found that the numbers of 600 or 735 prisoners in one case, and 100 and some, 200 and some in the other, not to be credible.

Mr. ACKERMAN. You state that the documents are genuine as to their authenticity as original documents.

Mr. ROSS. Well, as copies of a report, of a HUMINT intelligence, a HUMINT intelligence report that was written at the time by some GRU or KGB case officer from a Vietnamese, like Vietnamese intelligence source.

Mr. ACKERMAN. In your view, are the documents consistent with each other?

Mr. ROSS. No, I do not even think the documents are consistent with each other, because if you look at the two sets of numbers there is some contradiction in the numbers.

Mr. ACKERMAN. Does that mean they are both wrong or one is right and one is wrong, or somewhere in between, or it is neither?

Mr. ROSS. The intelligence analyst, the body of intelligence analysts, and we deliberately went—did not just give this to DIA or to DOD—we deliberately requested that this be an interagency analysis, concluded that they found neither document to be credible with regard to the numbers.

Mr. ACKERMAN. Well, one would assume that is the conclusion they came to before those documents ever came to light; is that not so?

Mr. ROSS. I would not phrase it that way, Mr. Chairman. I would say that—

Mr. ACKERMAN. Phrase it your way.

Mr. ROSS. I would phrase it the way I phrased it before. They looked at the numbers that the two documents purported to talk about in terms of additional POWs that we supposedly knew nothing about that were in other prison systems. And they went back and compared this information against 30 years of voluminous information that we have on Vietnamese prisons, on POWs, on what we know about how many POWs were in Vietnamese hands at any given time and any given month of the war, and on the POWs that came back. And they concluded that they found these documents not to be credible.

Now, we said, and it says in the analysis that we continue to look, we continue to investigation. In fact, one of the criticisms is why did we not release the document earlier. And the answer to that one, if I can anticipate the question, is that we went through two more commission meetings in Moscow, in which we continued to press the Russians very hard, and Ambassador Toon can testify to this, we pressed the Russians very hard for any additional documents they might have on this issue.

And once we had gone through two additional commission meetings and no more documents were forthcoming, and we had done the analysis, we felt that the analyses should be made public, and we did so.

Mr. ACKERMAN. There was nothing in the documents that gave us anything new?

Mr. ROSS. There was nothing in the documents in that gave us anything new about POWs.

Mr. ACKERMAN. What did the documents contain that gave us—

Mr. ROSS. The documents contained some information, and I would have to refer you to, or I would have to go to the actual analyst who worked on it. There may have been some information in there about political military discussions or things that were going on at the time that may have been new information. I cannot say for sure.

Mr. ACKERMAN. Can you tell us if that other information that it gave us, this new information, was that real? Was it accurate?

Mr. ROSS. There are things in the document that is accurate. There are things in one of the other document that does ring accurate. In other words, they are not fabrications. Like any HUMIT intelligence report in our own government, source reports to his case officer on something, some of the information is accurate, some is inaccurate. A lot depends on how he came by the information.

If it was first-hand, it may be accurate. If he got it second or third-hand, it may be inaccurate. The problem with a lot of these reports and many other reports that are commonly cited as evidence of prison camps in China or of one thing or another is that they are HUMIT intelligence reports, often second and third-hand source reporting, which—

Mr. ACKERMAN. Specifically, was the reporting in these documents second or third-hand?

Mr. ROSS. We cannot say for certain because we had a report that—the allegation was originally on the 1205 document, is that it was a translation of a speech that was given by General Tran Van Quang. And the analysis looked at it and said that the way it was done, it did not ring as though it was a speech to the Politburo. It sounded more like it was a report given to another kind of forum. There were a lot of other things they found that were wrong or that did not match with other—

Mr. ACKERMAN. I have made speeches like that before, too. [Laughter.]

Mr. ROSS. Good point.

But it comes back to the fact that—oh, I was answering your question. They could not conclude from the document whether it was a translation of a—a direct translation of a document, whether it was a document based on an oral debriefing, as to whether it was a translation of another document based on an oral debriefing. You cannot know that for certain.

Mr. ACKERMAN. I can understand the difference in translation or interpretation, but usually when you are dealing with numbers, unless somebody was exaggerating; is that a possibility?

Mr. ROSS. That is quite a possibility. In fact, I remember having a conversation with Congressman Johnson, when we were in one of the commission meetings in Russia, and he recalled that he remembers that back during the time of his captivity that the Vietnamese oftentimes inflated their public statements on the numbers of POWs that they were holding.

One could speculate why whoever made the speech, if it was Tran Van Quang or someone else, may have chosen to inflate the numbers. This was after the—

Mr. ACKERMAN. To what end?

Mr. ROSS. Pardon me?

Mr. ACKERMAN. To what end?

Mr. ROSS. To influence domestic political things within Vietnam. This supposed speech was not long after the disastrous Easter offensive. There was a lot of relooking, a lot of soul searching on the part of the Vietnamese.

Mr. ACKERMAN. Can you tell us for the record how far off were the numbers based on our best guess?

Mr. ROSS. The best guess is that we got 591 American POWs out at homecoming, and that there were no other POWs held back.

Mr. ACKERMAN. The document indicates there were how many?

Mr. ROSS. I think if you go from the 1205, you would subtract 531 from 1205, and that would be the difference. We continue to maintain that, and this point I want to make very clear, there were individuals at the end of the war in Vietnam that were unaccounted for. This was known from the day the war ended. Henry Kissinger has it in his memoirs. There were some 80 or so individuals who were simply unaccounted for. We did not know if they were dead. We did not know if they were alive. When the Senate Select Committee talked about this issue, it said men may have been left behind. It did not mean that the known individuals in prison were left behind. It meant that there were individuals that we could not account for.

We are fairly confident, reasonably confident, to a high degree of certainty, that the 591 Americans who came out of the North Vietnamese prison system, plus the 24 individuals who died in captivity and whose remains were repatriated at another time, plus the 8 individuals who were repatriated earlier, were the only prisoners that were held in the prison system in North Vietnam.

Now, there are many other guys who died and who, some of the last known alive cases, and others who were temporarily in custody at one point or another. But we are talking about people who made it into the prison system in the North.

Mr. ACKERMAN. Could you tell us if we have made any attempt to verify the information in the Russian document with the Vietnamese?

Mr. ROSS. Yes, we have. When we went to Vietnam, General Vessey went in April, we actually debriefed or talked to General Tranhvan Quong personally. We discussed it with the Vietnamese vice foreign minister. The issue has been raised considerably with the Vietnamese and with the Russians.

Mr. ACKERMAN. Could you tell us what the Vietnamese have provided us as far as shedding light on the accuracy or lack thereof with regard to the two—

Mr. ROSS. The Vietnamese have stated that the document is not correct and not accurate; that there was no Politburo meeting at the time that is claimed in the—that was claimed to have been conducted in the report, and the Vietnamese have disavowed the information.

Mr. ACKERMAN. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I want to apologize for all the interruptions today that we have had and ask you to linger.

Are there new procedures now in place for investigations of sightings? Any new procedures or any new criteria, any new priority that you have established for seeking out identification and investigating reports of sightings?

Mr. ROSS. For live sightings? The live sighting mechanism which has been going on now since I have been here, since May of 1992, is the same. We task DIA to conduct these live sightings. We task these out to the field, and they are scheduled and carried out as efficiently and as effectively as possible.

I am not quite sure what you refer to.

Mr. GILMAN. How many personnel are dedicated to this?

Mr. ROSS. I cannot give you the specific number.

What is the specific number of people that are dedicated to the live sighting mechanism?

Yes, there are eight full-time live sighting investigators in Stoney Beach.

Mr. GILMAN. That is for the whole of Vietnam? Does that also cover Laos and any potentials in Cambodia?

Mr. ROSS. Yes. Vietnam, Laos and Cambodia.

Mr. GILMAN. Do you consider that to be sufficient in number?

Mr. ROSS. I believe at this point it is because there are all—there are very few live sightings that we have—we at one time had no live sightings which required field investigation. New ones come in all the time. For example, the one that Congressman Rohrabacher mentioned is an active, ongoing live sighting investigation and will remain so until it is resolved.

Mr. GILMAN. Are these personnel also engaged in excavation work?

Mr. ROSS. Pardon me, sir?

Mr. GILMAN. Are they also engaged in searching crash sites and—

Mr. ROSS. No. Our live sighting investigators are separate from the individuals who conduct crash site investigations.

Mr. GILMAN. What sort of a budget do the people out in the field have at the present time both for excavation and for live sightings?

Mr. ROSS. I cannot give you the exact numbers. General Needham can give you his budget. But like he said, he has no real upper limit. Whatever he needs to conduct those investigations, whatever he needs to conduct those excavations, he has.

Mr. GILMAN. So it is open-ended?

Mr. ROSS. I would describe it as open-ended, yes.

Mr. GILMAN. And there is no need for any more material, supply or personnel?

Mr. ROSS. If that were the case, I am sure Admiral Larson or General Needham would raise the issue. But Admiral Larson has provided General Needham with all the resources he needs to carry out his mission.

Mr. GILMAN. How much funding is dedicated this year for that effort?

Mr. ROSS. I will have to take that and get you the exact numbers as I can. A number of \$100 million has been thrown around. I am not exactly sure what all that includes. But I would be happy to go back and get you a more detailed response.

Mr. GILMAN. All right.

Mr. Chairman, I would like to request that we receive a report on the total number of personnel involved and what their categories are, and the funding that has been provided to carry on this investigation.

Mr. ACKERMAN. We will keep the record open for those responses.



COMMANDER IN CHIEF, U.S. PACIFIC COMMAND
(USCINCPAC)
CAMP H.M. SMITH, HAWAII 96861-5025

J3
5216
Ser: 0619
5 May 1994

To: Vice Director for Strategic Plans & Policy (J-5)
Via: Office of the Chairman, Joint Chiefs of Staff,
Legislative Affairs

Subj: HOUSE ASIA & PACIFIC SUBCOMMITTEE TESTIMONY

Ref: (a) Joint Staff memo, J-5A 01614-94, of 11 Apr 94

1. Reference (a) requested updated data on USCINCPAC annual operating expenses devoted directly to the POW/MIA effort.
2. The following general breakdown includes USCINCPAC, Joint Task Force-Full Accounting, Life Sciences Equipment Laboratory and Title 10 funding.

Joint Activity/Host Nation	\$14,695,243
Travel	\$ 1,800,000
Civilian Personnel	\$ 1,203,600
Headquarters	\$ 1,082,152
Detachments	<u>\$ 1,144,000</u>
Total	\$19,925,000

3. Sources of POW/MIA expenditures not included:

a. USACILHI Southeast Asia mission support, which will be provided via separate cover by USAPERSCOM if desired.

b. USAF airlift expenses associated with deployment of Joint Field Activity teams, repatriation of remains, and departure ceremonies for identified remains are maintained by Air Mobility Command not by USCINCPAC Service components.

4. USCINCPAC/J30M point of contact is Maj Mason, 808-477-5632.

Harold T. Fields, Jr.
HAROLD T. FIELDS, JR.
Lieutenant General, USA
Deputy USCINCPAC/Chief of Staff

Mr. GILMAN. Now, there has been some question about the procedures of tracking down live sighting investigations. If, for example, your reports of an American being held, the procedures you go through of giving the Vietnam notice that you want to go inspect that site, is that still the procedure or do we have freedom now to go where we want to go?

Mr. ROSS. Well, it certainly is their country and we do not have the freedom to just go anywhere. We use their helicopters. It is not possible to get to all locations without the Vietnamese. It is a sovereign country.

Again, we are not investigating reports of a guy being held in captivity at this moment. Most live sighting reports are reports of an American who was seen or who was held in captivity or one thing and another, 2 and 5 and 6 and some—as was pointed out in the Senate Select Committee, 200 or 300 live sighting reports were reports about Bobby Garwood. So these live sighting reports are investigated energetically.

But, no, we do not have the ability to unilaterally get in a car or get in our helicopter and fly into a village without the Vietnamese around and begin to, you know, knock on doors and look in there for people.

Mr. GILMAN. Mr. Ross, are there any hard core cases right now of live sightings that you are still investigating?

Mr. ROSS. We are investigating Congressman Rohrabacher's.

Mr. GILMAN. Besides that?

Mr. ROSS. How many others do we have?

Mr. ACKERMAN. Congressman Rohrabacher's case?

Mr. ROSS. There are no other active ones at this time.

Mr. FALEOMAVAEGA. No other active live sighting cases?

Mr. ROSS. No, sir.

Mr. ACKERMAN. When was the last live sighting besides Congressman Rohrabacher's case?

Mr. ROSS. We have had live sighting reports as recently as a month or two ago. They come up all the time. In other words, we complete the live sightings that are resolved either through investigation in the field or through some other means, and live sightings come in from time to time and they are actively investigated.

Just like in the case of the Congressman's, when somebody tells someone that they saw a live American or they knew about a live American, a report to Stoney Beach or someone in the field writes the report. It comes back to my office. My people immediately task that back out as a formal live sighting investigation. So at any one time, in any given week, the number could be up or down.

Mr. GILMAN. Now, if there is a source that says they have some information, a Vietnamese source, with regard to live prisoners, how do you handle that?

Mr. ROSS. We attempt to interrogate—interview—I do not want to use the word interrogate—interview that individual thoroughly to get all the information and all the possible leads, and follow it up.

Mr. GILMAN. How do you go about contacting that individual?

Mr. ROSS. In Vietnam, we go through the VNSOP to contact those individuals.

Mr. GILMAN. And who is the Vietnamese VNSOP?

Mr. ROSS. This is the office within the Ministry of Foreign Affairs that is the counterpart to the Joint Task Force Full Accounting.

Let me also say that live sighting investigations is an all-source issue. We do not just go with interviews and on-the-ground discussions. We use all sources of intelligence available to the U.S. Government to verify a report, to the extent that that source of intelligence is capable of revealing information. And, of course, I can go into that in greater—I cannot go into all aspects of that in an opening hearing, but let me just say that live sighting investigations is the top priority for the POW/MIA accounting effort, determining whether there is a live American out there, or whether there ever has been a live American out there, and we use all the capability of the U.S. Government to do that.

Mr. GILMAN. Do you feel that you are getting a frank and candid report from the Vietnamese person who had indicated they had some information after you have told the Vietnamese SOP that you want to interrogate this person?

Mr. ROSS. Certainly I would not—I would not deny that there are probably individuals who are intimidated, who do not want to talk, whatever. But if you listen and talk to the people who have been out in the field, and I have sent many of my people out to the field with General Needham and his people, and they talk about the differences in their—that have occurred over the past couple of years and the past year when they go out to villages and they talk to people. More and more people come forward. More and more people speak freely.

An example, in our last known alive discrepancy case investigations of the—all the investigations that we have been able to confirm death in the past 6 or 8 months has been because of information provided by eye witnesses, Vietnamese eye witnesses, that we have interviewed during these operations.

Mr. GILMAN. All right, now, when you are out in the field in one of those operations and some of the neighbors come up and say, hey, I know a little bit about this thing, are you then—do you require a Vietnamese official to be present while you interrogate?

Mr. ROSS. I think in almost—in all cases there is usually a Vietnamese official present, yes.

Mr. GILMAN. There is no way you can conduct an interrogation without a Vietnamese person?

Mr. ROSS. I think, again, we are dealing in their country. It is very difficult not to operate with their cooperation.

The same way in Russia, in the U.S.-Russia Joint Commission, we do everything with the Russians.

Mr. ACKERMAN. Will the gentleman yield on that?

Mr. GILMAN. Be pleased to yield to the gentleman.

Mr. ACKERMAN. During the course of the policy change vis-a-vis lifting of the embargo, were any points raised with the Vietnamese on this issue, as far as with the lifting of the embargo would there be a relaxation of these regulations that required either prior notice or accompaniment by Vietnamese?

Mr. ROSS. I do not think so, because I think that you—in my experience, whether it is Russia or Vietnam or any other country, when you are out and doing such investigations, for example, if a

police officer goes to France to conduct a murder investigation, it is normal practice, in my understanding, that he usually work with a local police. That, you know, our authority to go out and to interview people and to deal with people is under the authority of the Vietnamese Government. So I think it would be a rare situation where you would go and the Vietnamese would then let you rummage through the country and interview people without them around.

Mr. ACKERMAN. Well, I do not know. I think that if I went to France or my mother did, and asked some questions of people, that we could probably do that pretty freely without prior arrangements. And if anybody came here and wanted to interview U.S. citizens, as they do all the time—we have got people calling us up, writing books and asking questions and doing all kinds of things.

Mr. ROSS. But you would not be compelled to talk to anybody if you did not want to. And the fact of the matter is that the Vietnamese official authorities oftentimes we have found have gone and brought people to us who were reluctant to come to us and talk to us; and that the Vietnamese have gone and said, no, no, we want you to talk to these individuals.

Mr. ACKERMAN. So you find the people with whom you are required to be accompanied in Vietnam to be more of a help than a hindrance?

Mr. ROSS. In many cases; not in every case. But keep in mind that, you know, we bombed a lot of Vietnam. There are certain areas in Vietnam just north of the DMZ where Americans are not very welcome people because the local inhabitants of those areas do not need to be ginned up by the Vietnamese Government to not like Americans. And we have found in that particular area, where a great number of our losses are, that the Vietnamese officials have been more helpful than not by encouraging people to talk to us both in live sighting investigations and in the last known alive investigations.

So, I mean, you can find examples of both. You can find an example of where maybe someone was intimidated by a Vietnamese official. You can find an example of where we probably would not have gotten the interview without the Vietnamese official.

Mr. ACKERMAN. Mr. Secretary, do you want to comment?

Mr. LORD. I would like to comment on this issue.

First, let me express my appreciation to the Chairman and the committee for putting up with my schedule today. It is an unfortunate coincidence. There are two NSC level meetings on Asia, plus the arrival of the Prime Minister of Japan, and that is why I have been going back and forth, and I appreciate your indulgence.

These are fair questions. It seems to me we are dealing in a controlled society. This is a politically repressive society. So therefore you are always going to have the dilemma as you are talking—

Mr. ACKERMAN. You are talking about Vietnam?

Mr. LORD. Yes. As you are talking about people—

Mr. ACKERMAN. Just for the record, you're talking about Vietnam?

Mr. LORD. Yes. As you're talking about people—

Mr. ACKERMAN. It was just the sentence structure that I was— It never crossed my mind. You've got the problem. If you go to a

village or you talk to somebody, how much of it is a Potemkin village. I mean, it's a dilemma that's very difficult, and as Mr. Lord says, you need their cooperation. So I think one indicator to look at—and you may have to correct me, because I haven't been around here for a couple of years ago, maybe 4 or 5 years ago—what is the attitude of the individual citizens, the local villagers today versus 3 or 4 years ago.

As I understand what you're saying, and you can confirm this, is that it's going to vary by locality and by memories of the war, but in terms to the extent that this government, which after all is in pretty close political control, can influence attitudes, people seem more free to talk now and to come forward, and, indeed, the government officials are going out and seeking out witnesses to talk to us, whereas perhaps a few years ago it would be much more difficult to get that kind of cooperation. So this is perhaps evidence that the attitude of the government is being more cooperative than it used to be. It's not a definitive argument, but it seems to me it's something that we might keep in mind.

Mr. GILMAN. Thank you, Mr. Chairman. You know, several years ago when we still had the full scale select committee at work and the task force at work, there was a Chinese mortician that worked for the Vietnam Government that came before us, was credible, had been polygraphed, indicated there were 400 sets of remains warehoused. Have we ever pursued that any further? As a matter of fact, I think even President Bush mentioned that in one of his speeches.

Mr. ROSS. As I said yesterday in my testimony in the Senate to a similar question, there is an analytical assessment—there has been an analytical assessment within the Department of Defense which has looked at Vietnamese remains-handling practices during the war, directives about collecting American remains, at the testimony of the mortician, at various other things, and concluded from an analytical assessment that the Vietnamese should have access to anywhere from 100 to 150 remains to as many as 400 or 500 sets of remains.

Now that analytical assessment is—has been briefed around to all the members of the NSC and to the State Department, and is well known to all the people involved in the decision. On the other hand, you have the fact the we—one other thing, the Vietnamese admit that they stored remains. The Vietnamese admit that there was a warehouse at one point. They say that they no longer have a warehouse.

On the other hand, we have not seen remains that are—show sides of chemical curation since 1990. We have made remains that the Vietnamese should know something about, a major point of our discussion. We have presented, as it was mentioned earlier, we have presented by Congressman Rohrabacher a list of the Vietnamese of 98 individuals and 84 cases where we have a photograph or we have a Graves registration document that we believe that they ought to either know what happened to be able to provide us the remains, or that they ought to know what happened to the remains. The bottom line—and I think Ambassador Lord may want to comment because he said it best yesterday—is that we don't have a satellite photograph of a warehouse, we don't have current

eyewitnesses that there are X number of remains out there, we don't have hard, current intelligence of storing remains, so that we don't know for certain just how many remains the Vietnamese have or don't have, if they have any. And I think Ambassador Lord probably would want to comment on that.

Mr. GILMAN. Mr. Ambassador.

Mr. LORD. This is a very difficult question because you can't prove a negative, and there's genuine disagreements on whether they're holding back lots of remains, whether in the warehouse or not. There's no way to be definitive about that. They're capable of doing that certainly, based on their past records through many years when they were not cooperating. So what you have to do to come to a conclusion is not only look at the evidence, but also try to figure out the Vietnamese self-interest. I personally—and I believe this is true of everyone else in the government connected with this issues—I have never based any judgments on trusting the Vietnamese. You look at evidence, but you also look at self-interest.

Now let's take an example. I was not here during the last months of the Bush administration. I am told by members of that administration that there was at least a good chance that the President might have considered lifting the embargo, or at least his advisors would have recommended it, if in the final months the Vietnamese would have given, say, 25 or 30 or 40 remains. If that's true and if the Vietnamese are aware of it—I'm not sure of these facts—it seems to me that if they're sitting on let's say 300 or 400 remains, why wouldn't they dole out 25 or 30? They could still hold another 350. Dole out some of what they had in order to get the embargo lifted, if that's important to them.

This doesn't prove that they don't have a warehouse or they don't have several hundred remains, but it's the kind of analysis that at least that I apply on not trust. And we'll never be sure.

But perhaps the more basic question is since we can't be sure of the answer of whether they're holding back lots of remains, and there's no evidence that they are, but they may well be. But there is evidence but it's disputed by other evidence. Then the question it seems to me is what is the best way to get those remains if they exist? And reasonable people can disagree on that. Do you hold in your tracks, stop engagements, sit down and say we're not taking another step until you give us those remains, when you're not sure they have the remains. Or you take an incremental step forward, still hanging on the leverage in other ways, but saying in effect you've cooperated to a certain extent. We expect more cooperation, and see whether you get the remains that way. It may not work. There may not be any remains, but it's not self-evident to me that stopping in our tracks and waiting that they're necessarily going to turn it over.

Now reasonable people can disagree on that, but that's the way I come at this issue.

Mr. GILMAN. Ambassador Lord, you mentioned something very important about leverage. What leverage do we have now that we have lifted the trade embargo?

Mr. LORD. Well, I know that previous witnesses have made the point that they think that that's the most important to the Viet-

namese, and that what's remaining is not important. It was important to the Vietnamese. I think that's clear.

Mr. GILMAN. Is normalization important to the Vietnamese?

Mr. LORD. I think it is. I think full normalization, full diplomatic relations—certainly there's a lot of trade restrictions, even with the lifting of the embargo, whether it's items licensed by Commerce, or whether it's a munitions list licensed by State, or whether it's various provisions under Jackson Vanik, not only MFN but OPEC and EXIM Bank. All of these things are out there. They're not freed up by the embargo.

Mr. GILMAN. Well, let's assume, Mr. Ambassador, if I might interrupt. Let's assume that we find that the Vietnamese have not been forthcoming in the next few months, and that there is something substantial, substantive that they haven't revealed to us. What do we do then? What is our leverage?

Mr. LORD. We've made it very clear privately, and the President has made it clear publicly in his statements that we expect continued progress. Now it's hard to quantify that.

Mr. GILMAN. But if we don't have continued progress, what then?

Mr. LORD. Well, if we don't have continued progress—and it's a hypothetical questions—and we fully expect them to cooperate, of course we have to review our policy decisions. This step taken by the President was design number one to acknowledge cooperation which we believe they are providing, and tangible results. But above all to encourage further cooperation and further results, and we've made clear that that's our expectation. If that does not happen I can't prejudge a Presidential decision, but since we took the step on the expectation that that would happen, clearly all our policies would have to be reviewed if we felt they were not cooperating. I do not expect that to happen. I expect the President's decision to encourage cooperation.

Mr. GILMAN. Is it realistic to assume that if they are not cooperative, we would reimpose the embargo?

Mr. LORD. Well, I don't want to get a headline out of context here, to be honest with you, so I am not going to prejudge—it is realistic to assume, and that the Vietnamese already know this that if they do not continue cooperation that it's gonna affect this whole process, but I'm not about to spell out how that might be. But I want to stress we genuinely don't think that's the case—not only because they've assured us. They've said time and again it's a humanitarian issue; they're gonna cooperate no matter what we do. You can't just go by words, of course not. But we are looking at the record of the last couple of years, the progress we made in response to the Clinton policies, and their self-interest. It is not clear to me why they would stop now and risk hurting the process which they wish to encourage.

Mr. GILMAN. Well, I know that a number of us in the Congress if we found that in the next few months there has been very little progress would be calling for the reimposition of the trade embargo. As unrealistic as that is, once our business community is in there and trading like mad, I wonder how successful we would be in that kind of initiative. We've opened the door. I don't know how easy it's going to be to close that door if we find there isn't any movement, and that's why a number of us have been very much concerned

about the lifting of the trade embargo, which was an important leverage. And I don't know how important normalization is. It sounds good on the books, but without the economic structure I don't think we're going very far, and that's why a number of us have been very critical.

Mr. LORD. I would point out in addition to their economic objectives, they have some geopolitical concerns, and a stronger, closer relationship with us is important in geopolitical terms, not just economic terms.

Mr. GILMAN. Thank you, Mr. Ambassador. Thank you, Mr. Chairman.

Mr. ACKERMAN. If I might ask a question before turning to Congressman Rohrabacher. Were there any discussions with American corporate interests that have been anxious to do business in Vietnam as to what their moral obligations might be vis-a-vis the POW and MIA issues and/or families?

Mr. LORD. Let me take a crack at that, Mr. Chairman, and pursue the question if I don't answer it adequately. First of all, there are all kinds of business people. There are some, frankly, for whom human rights or MIAs are not important. There are many, however, for which they are important, and they genuinely believe—of course they're going to pursue their business interests, but they genuinely believe that if more business people, more tourists, more visitors go in there, we're going to get more information, and, therefore, there's not a choice here between greed and humanity, that this whole process will actually help the families.

Now, one idea we've already come up—I have immediately convened some groups after the President's decision—to begin to implement it, and one idea that we are examining and I think it's a good one myself is to draw up—and we've had the Defense Department and others draw up a list of suggestions for business people and tourists about how they could help. Here's the kind of questions you might ask, or here is what to keep your eye out for. I'm not pretending they're going to be sleuthing around. I mean in an above board way. A lot of these people are going to be in villages. They're going to be moving around. So it seems to me we can help them—arm them with questions and things to look for. I'm not saying it's going to make major breakthroughs, but I think we can at least do that, and I think any business person who has a sense of obligation would be willing to keep his or her eyes open. But that's about all I can say in response to your question at this time.

Mr. ACKERMAN. Thank you. Let me try it this way. If we all were to draw up a resolution, and send it to Congress, having no necessarily legal binding effect that proposes something like the major corporations that go into Vietnam to do business, set aside some small, very finite number one-tenth of 1 percent or some number of their profits to be set aside so as to assist these families and friends of POWs and MIAs, would that be something you think businesses might be responsive and receptive to?

Mr. LORD. I don't know the answer to that question. As I understand it, money is not really the problem now. It's—you know, it's effort which we're trying to make the maximum of, and more people could help, but maybe you'd like to comment.

Mr. ROSS. Well, you're talking about specifically providing funds to let families travel to Vietnam. Is that what you're talking about?

Mr. ACKERMAN. It would be to help them to travel to—you know, there's a lot of pain involved here, and we don't know if—you know, money's not going to solve and take away the pain, but at least people have to feel that they have done everything. Certainly they have come to a conclusion, and many of us believe rightfully so, that we have not been as responsive as we can in answering those questions, and we not having unturned some of those stones that so much comes back to them that it becomes their responsibility almost exclusively sometimes to try to do that. That they have no way of putting behind them a closure to this tragic, tragic American tragedy and personal tragedy. That they must try to resolve somehow, and hopefully resolve indeed.

And despite the fact that money doesn't necessarily cure the problem, at least it would help to provide the wherewithal for some folks to be able to go over and know that in addition to prodding us to do what we should have been doing for 21 years that they at least have personally tried to do everything that they can, if they so desire. And even though money doesn't cure things in general, we're going to be having American companies and factories go to a foreign place and build edifices of creation and capital and profit for themselves, quite possibly on the unknown graves of their loved ones. Would it not be appropriate for them to set aside symbolically though it were in the corporate sense, but it would be small lot though it might be in the aggregate as far as individuals' wherewithal to be able to help themselves in this?

Mr. LORD. I would say this. If I were a top executive of a company who's going to do business in Vietnam, I would consider it both a humanitarian gesture and frankly very good public relations—above all the first, but let's face it, the second as well for that company to do something like that. But let me say in all my discussions with the business people, I say, look, you go to the Vietnamese. You're lobbying us very effectively. That's very legitimate. But please lobby the Vietnamese for cooperation on MIAs, and so I urge them to do that.

And I must say that most business people that I've met fall into the category that I've described earlier, where they're concerned with this issue, but they honestly believe the opening up that society to more outsiders will help the MIA cause.

Mr. ROSS. Let me stick my neck out for a second, Mr. Chairman. We do get requests from various families to go to Vietnam. Some families get money, and they go over there on their own. Other families come and request that the U.S. Government fund their travel, and that once they get to Vietnam we fund all their travel around Vietnam.

It's been a very difficult issue for us because our experience has been that some of the crash sites and some of the locations these families want to go to are in very remote, very difficult, very dangerous places. And in trying to be equitable to all families, we have a general policy that we don't encourage families to—not to not go to Vietnam, but that we don't encourage families or take families out on excavations. But I think that if private corporations were to see it in their own interests on a humanitarian basis to provide

money for families to travel to Vietnam, we certainly—the government certainly would when they got to Vietnam provide them assistance and be as open to them as we can. Certainly with the liaison office there there would be people to do that. I think we would still draw the line on actually going out on excavations and digs because of the hardship and because of the limited resources. When I say limited resources I don't mean to counteract what I said before, but when you've got a helicopter and you're going out on a mission, it's usually packed full of equipment and individuals, and not all family members are really in shape or trained to go out and do that. But I certainly think that the spirit of your idea is a good one, and I think it would—many corporations that would do this would be wise to give that a good look, and I think that many family members would appreciate it.

Mr. ACKERMAN. I appreciate that. Mr. Rohrabacher.

Mr. ROHRABACHER. It's up to the U.S. Government to make decisions as to what is moral or immoral or legal or illegal in terms of dealing with countries. It's not up to the businessmen. The fact is that this government had to make the determination as to whether or not our businessmen would be doing business in Vietnam, and that determination was made. The question is whether or not that was the right determination or not. As far as I'm concerned right now, any businessman that wants to do business in Vietnam, he's free—he's totally freed of his obligations as a citizen or a moral human being. That decision's been made for him. It's OK for him to trade, because that's the decision that's left up to the government to make of what's in the strategic interest of the United States. I think it was a wrong decision; however, if people in my area want to do business or people all over the country, I don't care. I don't think they have any special obligation either. It's up to us to determine that, and I think that in this particular case for whatever reason our Government made the wrong decision. We gave up a certain amount of leverage.

Let me ask a few questions before I get to the case that I wanted to make sure we got on the record and had a little exchange about. First of all, I want to ask Secretary Lord, have you had any communication whatsoever in any form with Secretary of Commerce Brown since the 1992 election concerning the lifting of the embargo on Vietnam?

Mr. LORD. No.

Mr. ROHRABACHER. Do you know of any communication that he has had with anybody within the State Department or representatives of Secretary of Commerce Brown concerning the lifting of the embargo since the 1992 election?

Mr. LORD. No.

Mr. ROHRABACHER. All right.

Mr. LORD. We deal with Commerce officials on Vietnam. I want to make that clear. But not in the sense that you're asking.

Mr. ROHRABACHER. All right. Fine. The—in terms of—well, there's a lot of issues that we need to cover here. First of all, in your opening statement you talked in great detail about the heroic effort at a particular crash site in Vietnam, and let me note that I have been to those crash sites. I went out there, I went into the jungle and shared this experience with these brave men and

women of our task force, and I have nothing but wonderful praise for them in their dedication. They are away from their families, they're working hard. That doesn't mean they're getting the decisions are the right decisions as to where they're going to use their energies, but they themselves we should have nothing but praise—

Mr. LORD. I hope we can all agree on that. And one reason I'd like to see the families get out there—it may not ease their pain, but they could see these young people—and in some cases older people—the efforts they're making. They may feel they're making the wrong efforts, but they would see these people really care, and it's really quite inspiring.

Mr. ROHRABACHER. Well, I think they do care. I unfortunately believe that when you have a bunch of people caring at that level, it doesn't necessarily carry over. They are doing what is necessary to come to the decisions that have been made about lifting the embargo and other such major decisions that the state has to make.

In the crash site that you talked about, was the pilot of that crash site—the person who they were looking for—was he an MIA or a KIA?

Mr. LORD. I don't know the answer to that question. What I asked the Joint Task Force to give me some vignettes to demonstrate the efforts by Americans and Vietnamese, so I know nothing beyond that—

Mr. ROHRABACHER. Mr. Secretary, what I'm afraid of is you have people who are out creating great photo ops and creating a great deal of impression about a lot of work that's being done, enabling Senator Kerry to say my goodness, the Vietnamese are going to quit hauling the dirt out of the ditch unless we commit a certain action, when actually the dirt in the ditch is being used to prove the case on someone who we already have the case proven, meaning the people who are labeled killed in action.

Several of the sites that I visited when I was in Southeast Asia, people were doing an enormous amount of work, and, again, I praise them for their dedication to be out there, but they were being directed to dig at sites in which the pilots and which the people on the crash had already been catalogued as killed in action. We knew that they were dead.

Mr. LORD. But we're going after remains in this particular case, and remains are extremely important to the family.

Mr. ROHRABACHER. Well, I would submit to you that those people who are on the list of the MIAs are much more important to deal with that issue than to deal with digging up bones of the killed in action who people know—

Mr. LORD. Well, I think, with all due respect, I think they're both very important. The single most important, I think, is that if there's anybody alive—

Mr. ROHRABACHER. Yes.

Mr. LORD [continuing]. we find him.

Mr. ROHRABACHER. But you see—but the point I'm getting at.

Mr. LORD. Excuse me, this is an important point. We're doing a lot of efforts on remains, and if you talk to the National League of Families or something, they think that's where the effort should be placed. They don't like the way we're doing it, perhaps. So remains

are extremely important to some of these families. Other families it's less important. So I just don't think we can dismiss this kind of effort for that objective.

Mr. ROHRABACHER. Well, I'm not necessarily dismissing it. I'm just talking about priorities, and it seems to me that one of the great objections that we've had to the whole MIA/POW issue is that the priorities have been misplaced. And when they say the concept of debunking—this attitude of debunking—means that people basically have been focused on getting the bones. I think getting the bones of people already labeled killed in action is not anywhere near as high a priority as, for example, actually coming up with happened to the people who are missing in action.

Now to be fair about it, let me say the effort—you weren't here when I described this heroic effort that was taking place to try to find a hospital encampment up in the Northern Cambodia which had an American POW encampment as part of it—that that, too, they were really out there digging through the jungles and they had to cut out a landing site, and I will lead this into my next question, which is what I posed earlier, Mr. Ross, was the point I'm about to make. And that is there are probably 500 to 1000 Vietnamese who know exactly where that hospital location was, and the Vietnamese have not been forthcoming in telling us where that location actually is, and all I've heard from—and we have our guys out there and our men and women who are struggling for this horrible job; they have not found it.

And when I was there—I mean, that was back in December and they've been looking for a long time—doesn't this indicate to you that we're not getting full cooperation which was heralded by the administration as the reason why we could lift the embargo?

Mr. LORD. I'm not familiar with all the details of that particular case, and this is a very high priority for me, but I don't have the level of detail that Mr. Ross would have. That's his whole job. So I probably cannot add anything to whatever he said in response.

Mr. ROHRABACHER. Well, we basically have a situation where I didn't hear anything that said that they are not holding back on certain information. No matter how you try to couch the words, what I'm hearing out of this hearing is there is certain information that's being held back. We don't know how much it is. For example, and I will ask you what I asked earlier, do you believe that all of the records from the prisons where POWs were held up that they have been destroyed, as the Vietnamese suggest. Or are they holding back information on their prisons—the records?

Mr. LORD. Again, it's like remains. You can't prove a negative. With respect to their cooperation, I have to base my analyses on the people, for example, I've talked to on the ground who have worked at this problem for several years, and they contrast the effort and the attitude now the Vietnamese to what they had 3 or 4 years ago. And I say it's vastly improved. And these are people who are very dedicated to this cause.

Are they holding things back? They may well be. How much, what kind of material, I can't tell you. I think the question has to be since we can't prove it one way or the other is to decide what is the best way to get something if they're holding it back. We're certainly getting more from them. They're holding back less in rel-

ative terms than they were before the policies in this administration. So we think it's working, but I can't prove you they aren't holding things back.

Mr. ROHRABACHER. Mr. Secretary, I've talked to people, scores of people about this issue. Not one of the people who have spent considerable time—and probably not yourself because you're couching your answers in a way that you could actually believe this and you wouldn't want to go on the record with it. Nobody believes that they have come forward with all the information they have about their prisons. They believe they're holding the records. I believe they're holding the records. Just to say it very clearly for the record, I believe the records are not being forthcoming. I believe the information that we are not being given is due to the fact that they kept several hundred Americans after supposedly they had returned all of them, and have probably since murdered all of them. They don't want us to know that. That's just my speculation. Everyone that I've talked to who's an expert in this particular area agrees in the very least that they're holding back a lot of information.

Mr. LORD. But if that's the case and they're going to be embarrassed, why wouldn't they destroy the records?

Mr. ROHRABACHER. You know, someone mentioned it here earlier that one of the witnesses talked about how everytime—I think the gentleman sitting right there was a prisoner of war—every place that he was in, this was the typical bureaucratic totalitarian state. That everything has duplicates, and this is typical of the Nazis and the Communists all over the place. Let me ask you before we go into one other area, I want to ask you about the human rights element of this decision because we're not here just talking about POWs, MIAs, we're talking about the concept of lifting the embargo.

Now when I was in Vietnam with Senator Kerry, I placed into the hands of the head of the Community Party a list of 500 political prisoners that were given to me by the Vietnamese community which I represent in California—which I represent Little Saigon. I placed that same hand—that same list in the hands of President Clinton. Here is a list of 500 individuals who are political prisoners, and so both of these gentlemen have it. It wouldn't have taken even 30 seconds for the President of the United States to say there was a list that was given to you by Congressman Rohrabacher. Let's at least as a sign of good faith having these political prisoners released. Were there any political prisoners released as a sign of good faith, and if so why not?

Mr. LORD. Well, none directly related to the lifting of the embargo that I'm aware of, although when I informed their Ambassador to the U.N. about this decision I said in addition to generally pressing them on human rights, it seems to me that this was a particularly appropriate time to make some real gestures. It's a difficult decision for the President. It was a painful one for many families and veterans and Congressmen. The least you can do is—these weren't my exact words, but that was the rationale—this is the time to start getting serious about helping us in some of these cases.

Now on the general question of human rights, we've made it very clear—if you look at every Presidential statement, if you look at every meeting I've been at with the Vietnamese—everyone whether I was the leader of that meeting or I was a spear carrier, this issue has been raised. The general issue of human rights, specific cases. I specifically raised the case of Dr. Quay, for example, last week, when I informed them as an example—not the only one but here's an example of someone they should make a gesture on.

We achieved in July their willingness to talk about in a public statement human rights along with other issues. Then when I went back in December I took it a step further, got their agreement to a human rights dialog just on that subject, not just as part of a broad agenda, and we expect to begin that dialog probably in New York before this month is out. I've been talking to Mr. Shattuck about that. I don't want to leave you any illusions this is not going to be an easy course with this—

Mr. ROHRABACHER. Well, it certainly won't be easy now that we've given up our major piece of leverage, and I believe that the United States has something to do more with just having a group of people who came here from all over the world, and we came here to make money. Unless there's some human rights component to what America is all about, I mean this is not a decent society for people to live in. In fact, we have to stand for something, and it seems to me that that part of what America stands for has been undervalued by people in power—not just this administration, but past administrations.

Mr. LORD. Well, again, excuse me for interrupting, but I want to be responsive here. First, on the last comment, I've been involved in China policy as you may know, and I think my record on that about worrying about human rights is quite clear. More importantly is the President's.

Mr. ROHRABACHER. Let me ask you, did the President's statement in lifting the embargo mention human rights?

Mr. LORD. Yes, of course it did.

Mr. ROHRABACHER. OK.

Mr. LORD. Absolutely. Every statement he's made has mentioned human rights as part of our efforts. He's specifically said with respect to the liaison office, for example, that this will allow us to have more dialog with the Vietnamese including on the issue of human rights.

Mr. ROHRABACHER. OK, well, I'm glad that they got in, and I'm sorry that we let this opportunity pass without having something where you could come back to me and say oh, no, we got an agreement. There are 25 prisoners. Just as a sign of good faith we can't do it now—

Mr. LORD. Well, I would recall that under the previous administration's road map there were two criteria: One was the withdrawal from Cambodia, and the other was the MIA question. So they have fulfilled the Cambodia condition, according to the top leaders of Cambodia, because I went to Cambodia after Vietnam. On the MIA, that's the other major condition. We've discussed that. We have indicated that as we go forward—or if we go forward—and that depends on MIA progress—that human rights will be an increasingly important element of how far we go in the future. So I

think they're under no illusions about that, but I want to be honest with you, this is not going to be easy as you well know.

Mr. ROHRABACHER. Sure. You mean just at this administration. The fact is that when this road map was set down by the previous administration or Republican administration, human rights was left out of the equation, and I think that was not a proper decision, not a right decision.

Now just one last thing, and I'm sorry I'm taking so much time. I would like just to talk with you about the specific case that—when we say apparently there is only one live sighting active file right now, and that's the one that I brought up. I, frankly, am aghast to think that if I would not have gone to Southeast Asia last time and got the information myself that there might not even be one live sighting case.

Mr. ROSS. That's not my understanding. My understanding is that live sighting report was brought in and that process that went forward to bring that live sighting investigation was not simply motivated by the fact that you brought it up.

Mr. ROHRABACHER. OK, because we talked to General Needham in Phnom Penh. I'm sorry the General had to leave. But he had told us just the opposite. He told us that there was not—that there was not something that was ongoing.

Mr. ROSS. I say in all fairness, he does not have responsibility for the live sighting investigation program. And all I'm saying is that what I will do for you, Congressman, is I will give you a complete detailed report on everything that's happened on this case from day one to the present.

Mr. ROHRABACHER. OK, we had a detailed report—just to let you know, Mr. Ross—from the National Security Council that was Kent Wiedemann, who was just basically telling us the report you gave him, which was passed on to the President. And just to be very fair to you, I'm sure that some of your people were basing—were very sincere when they passed that information on to you—Mr. Wiedemann's very sincere. I'm not accusing anyone of being a venial liar, but there were several important pieces of wrong information in that report. And maybe we can go through it because you went through that list earlier on. Just for Mr. Lord's—so that he will understand what we are saying—that I have heard about this case. One of the reasons I went to Cambodia and Southeast Asia last time was the report that two Vietnamese majors—it was in May, I believe—came into our Phnom Penh headquarters of our MIA/POWs—reported that there were two Americans being held in Vietnam in a prison. They were disgruntled Vietnamese officers.

And I believe the report that you gave to the White House—and correct me if I'm wrong—is that those Vietnamese officers did not actually go into our Phnom Penh headquarters.

Mr. ROSS. I never said that.

Mr. ROHRABACHER. No, we were told. We were told—

Mr. ROSS. Well, we didn't tell that to anybody. We didn't tell that to the White House.

Mr. ROHRABACHER. Well, I guess they just sort of got it mixed up, too.

Mr. ROSS. I don't think we've got anything mixed up. All I'm saying is that I'm confident that we can sit down and we can go

through this entire thing. And again if you were misinformed that there was some miscommunication, I don't know about it. All I'm saying is that we got that report and like we do with everything we don't treat any report lightly. We investigate them thoroughly, and there's some miscommunication here.

Mr. ROHRABACHER. I'm just sorry we have to hash this out in front of a congressional hearing, and that I was forced to call the President of the United States the night before he was going to lift the embargo in order to get a reply about what you now to consider to be an open live sighting case. Instead, the D.I.A. has repeatedly not returned our phone calls, and the only people who are talking to us are at the National Security Council. We shouldn't even have to go that high. Those people are busy over there. I mean, I worked at the White House. The President of the United States is a busy man. I don't want to have to bother him with this, but instead I end up having to review it with you now in open hearing.

Mr. ROSS. No, I'm confident that there's a reasonable explanation here. And I will give it to you.

Mr. ROHRABACHER. Well, I imagine there is, and let me just note there were several major discrepancies between what the White House reported to the President in terms of confidently being said that this case has been looked into and it didn't check out, and when they came back to us to give us a report of what they'd been told, there were several major discrepancies in what they were told. I will be happy to work out that with you and the D.I.A.

Mr. ROSS. I will run every one of those down to ground.

Mr. ROHRABACHER. All right. Mr. Chairman, I'm sorry, frankly, that this decision was made. It's been made now. Our businessmen are going to go into Vietnam. I don't think that we can blame them, and I think in fact that the turning point has been made. And I'm sorry to tell my friends who have been so active in MIA and POW thing: we've lost a great deal of leverage. We can do what we can now, and maybe with more people going there maybe we'll be able to find out more information. That theory will be proven out. I do not think that we can treat governments like that in Vietnam and in Nazi Germany and in Stalinist Russia the same way we treat the governments of France. I don't think we can make those calculations. I think that when we talk about them as being on that same category we're missing the fundamental point, and the fact is these officers—I understand. And, by the way, you might tell me now because we'll discuss it later. What I was told is that the Government of Vietnam—we went to them to find out where these majors were that came into that office. Did we do that?

Mr. ROSS. Yes.

Mr. ROHRABACHER. And I just want everybody in this room to note that we're looking for some Nazi officers who turned in the information about some secret Nazi thing, and then we go to the Nazi government to ask them to track them down for us. You can tell—this is a very—

Mr. ROSS. I think it should be brought out that the individual who came in with the information was requesting \$300,000.00 for the information, and that we have not substantiated that indeed the individual was a Vietnamese major. He claimed to be a Viet-

namese major. We do not know for a fact that the individual was what he claimed, and one has to suspect his motives somewhat, when you ask for \$300,000 for this information.

Mr. ROHRBACHER. It's OK to question people's motives. I would think that if sometimes you can question motives and say, OK what was their motive. That doesn't mean what they're saying is absolutely incorrect, and we were told that you couldn't find the woman who was their translator who came in with them, and my staff was able to find that person. We were told it was a phony address. I had someone in the underground in Phnom Penh who found the address and found the woman. I mean, this is what the President of the United States was told.

Mr. ROSS. I guarantee you, we will run every aspect of this down to your satisfaction.

Mr. LORD. I would also point out we're not treating Vietnam like France, either, in diplomatic or economic terms.

Mr. ROHRBACHER. Well, thank you very much. And I will look forward to working—I know I'm being a touch guy today, but I want to work together. Listen, our country has got a lot of problems we've got to iron out. We want to make this thing work. We're concerned and we care about our people who serve in our military, and we're concerned about the foreign policy of our country. I'm not disputing your patriotism. I know a lot of people think there are just a lot of people who are unpatriotic or something. I'm not suggesting that at all. But sometimes you get in these bureaucratic modes and things happen that shouldn't happen at all.

Mr. LORD. Well, let me comment on that specifically because first of all that's the spirit I take your questions. Namely,—

Mr. ROHRBACHER. Thank you.

Mr. LORD [continuing]. We'll have disagreement and serious disagreement on tactics. I genuinely believe we share the same goal. This is not the end of the process. I think you're too pessimistic. I think there's considerable leverage. The President made it clear, I made it clear in my statement that this is one more step we're going to keep, and we hope this will help us even further, and we have expectations that it will, and I expressly said in my statement—I couldn't read the whole statement—that my door continues to be open to the families and to those who most disagree with me and the President, and to the veterans, and I understand, frankly, the emotions on this issue. I dealt with the Vietnamese for 3 years, so I know a little bit of whom we're dealing with.

I also know that the families in particular were jerked around for years with deception and with holding of remains and so on. So the issue is are we doing better the last couple of years with this different policy under Bush and Clinton than we had done before. Reasonable people disagree on that, but the goal remains a shared one, and I would like to work with you as well as others.

Mr. ROSS. I'd like to note one thing, too, and I share Ambassador Lord's comment on that, and I take your comments in the spirit that you intended. I would like to make just one observation. I came into this business in May of 1992 in the middle of the Senate Select Committee Hearing on POW/MIA affairs, and I came into an office in which we had Senate investigators hauling our files off in boxes in which we were accused—and the people in the government

and the former D.I.A. were accused of everything. I have subsequently been accused of high crimes and misdemeanors by a member of Congress and various other things. If I've learned one lesson in this business—in reorganizing the new DPMO—the Defense POW/MIA office that we have—is that everything we do sooner or later we're going to be here in front of a committee of Congress, or we're going to be in front of a committee in the Senate, and we're going to have to answer for every single thing that we do.

So I can assure you that we do not have a bunch of bureaucrats running around peddling paper because we know that we're going to get called on the carpet in front of the American people and the Congress to answer for every action that we take, and I am confident that the people that we have on the job are people of the highest integrity, that they are trying to get the answers, that they are not people who are trying to cover up, they are not people who are trying to simply be bureaucratic and say I don't believe this I'm not going to follow it up. What we believe or don't believe about an issue or about American POW/MIAs is not the question. It's not what we believe, it's what we do that counts.

Mr. GILMAN. Thank you. Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you very much. And let me first say about my colleague that you haven't been rough today. You've been a pussy-cat. [Laughter.]

And those of us who have watched you and worked with you appreciate the kind of steadfastness that you have shown toward this issue for the willingness to do this kind of thing hands-on, certainly is not within the realm of one's congressional responsibilities but using the resources of your office and your dedication to this cause and purpose to indeed take your own life into your own hands and go over there on a one-on-one basis to see what has to be seen, to be able to come to the kinds of conclusions that sometimes are necessary for us to make the appropriate value judgments. We have a tremendous amount of respect for your having done that and sharing your conclusions with us, and I'm sure not everybody's going to agree with all of your conclusions, but we certainly respect you for them and accept them as often as not.

And let me assure everyone else the questions that you have heard offered in the way that you have accepted them are certainly not offered to be sure by anybody on this panel, but my colleagues have been just as brutal with other administrations, whether they be of their particular party or not. This is not a party issue. These families have been frustrated by administrations of more than one party, that nobody to my knowledge on the congressional or administration sides has ever asked the families what their political affiliation might be. This is not a political issue. This is an American tragedy, and this is something that dedicated men and women have to work together to try to get the correct answers to, not just the appropriate or politically correct answers to, but the correct answers to so that we might once and for all be able to close this chapter of our history.

There seemed to have been a little discussion before as to live sightings, the priorities, whether it should be the remains we're looking for or the live sightings that we go after. Is that any indication that we do not have the resources to do all of the above simul-

taneously, and I ask that because as we approach the aging process which we do from the moment that we are born, going through this life I know that these eyes don't get any sharper with the passage of years and the memory is not as clean as it once might have been, and we are racing against the clock in order to clean this up as fast as we can. Can we not do the live sightings part and the pursual of the remains part? Do we need more persons in the field to be able to do that? Have we asked directly of field commanders if they need more resources or if more resources would be helpful?

Mr. ROSS. Mr. Chairman, we do all three simultaneously. When we talk about priorities, we simply mean that anything that has to do with a possible live American always takes precedence over looking for the remains of someone who is dead. But we have separate independent teams—we have three independent teams that work these issues simultaneously. There is a priority case, live sightings teams that go out, we have an independent priority case investigation team to look at the last known alive discrepancy cases, and we have the people that do the field excavations. The field excavations go in every other month. The live sighting and the priority case investigation teams are on-going. They work 7 days a week, 365 days a year if there is something to investigate. So I think that there are adequate resources being devoted to the problem, and if we had more live sighting investigations at work and we didn't have enough people, we would bring the people that we could do out there to do it.

Mr. ACKERMAN. The record will be kept open for members to ask additional questions of our witnesses. Before dismissing this panel and leaving to vote, let me also say that the Chair was remiss in not swearing in all of the witnesses from the beginning. It casts no aspersions on any witnesses that we started at this point. We swore witnesses in at the other hearings and briefing that this subcommittee had, and we will continue to do that. The fact that we started where we did should be no indication that we're questioning the veracity of anybody's intention or statements that are made at this hearing.

Mr. LORD. Mr. Chairman, just one answer to Mr.—to Congressman Rohrabacher's questions. We've run it down. I'm told—I'll have to confirm this that that case that I cited in my statement was an MIA case, not a KIA.

Mr. ACKERMAN. Let me thank this panel for their longevity. You, Mr. Secretary, especially for getting into the Guinness Book of World Records for returning the most times during the course of one hearing. We appreciate, Mr. Ross, the fact that you've sat through this entire thing, as well, and we look forward to continually working with you to resolve this issue. Thank you both.

We will recess to vote. I think that if there are any of the other witnesses soon to get up—or any of the other witnesses who remain—who'd like some coffee, we'll be glad to send out. We don't want to subject you to any cruel and unusual treatment, and want you to have a little substance before we continue. We'll return shortly.

[Recess.]

Mr. ACKERMAN. The subcommittee will continue. We will resume with our third panel, part two. And as our witnesses, we are

pleased to have with us Mr. Bob Necci, the executive director of the Advocacy and Intelligence Index for POW/MIAs. Ms. Patricia Plumadore, POW/MIA family member. Ms. Judy Coady Rainey, POW/MIA family member. Mr. Santoli, author. And Mr. Barry Toll, former U.S. intelligence official.

Let me welcome you even at this late hour. Thank you for your very considerable patience. And we appreciate you waiting this out, and tolerating the kind of schedule that we have to live with while getting things done down here, or sometimes not getting things done in the fashion that we like.

Why don't we begin from left to right. And before doing that, I am reminded that we have to swear everybody in. If everybody would stand.

[Witnesses sworn.]

Mr. ACKERMAN. Please be seated. Beginning from left to right, we have Mr. Al Santoli. And if that is OK, we will just begin in that fashion.

STATEMENT OF AL SANTOLI, HISTORIAN

Mr. SANTOLI. Thank you, Mr. Chairman. It has been a long day, but we appreciate your endurance and your continuing interest in following through for some type of hopefully honest and satisfactory resolution to at least a substantial number of these missing in action cases.

The Alliance of Families asked if I would represent them today, and I am honored to do so, regarding concerns of the family. I know that Ann Mills Griffith will be testifying for the League. And I think that Ann as well as the independent family members here, can best talk of the concerns of the families.

Having covered this issue for 15 or 16 years, including a short stint as an investigator for the Chairman of the House Task Force on POW/MIAs back in 1982, I felt that what I can best address is process. Because I do not believe that we can get a satisfactory resolution until we have a process of investigation and of forensic analysis at the lab in Hawaii, that all of us can have confidence in doing the best possible and the most professional job.

I feel that there are problems right now in the way that the process is being conducted. They involve number one, the lack of access by field investigators to still classified wartime signal intelligence archives, of which there are substantial amounts of materials that the Senate Select Committee investigators say that they did not have time to go through.

Two, the lack of professional experience or competence of Joint Task Force Full Accounting investigators and commanders.

When I was in Vietnam as a soldier, I served in both the infantry and in a combined intelligence and recon unit within the same geographical area. I got to understand the difference from the way that an infantryman looks at a problem and goes about his business, compared to somebody who was tasked with and has experience in intelligence operations.

I feel that there has been a problem with the fact that many people involved in the Joint Task Force are infantry or artillery personnel, who do not have the experience to be able to do the type of job needed in this highly technical and very complicated matter

of dealing with the Vietnamese Communists who are difficult to deal with for even the best professional analysts.

And number three is the dubious results of forensic analysis of returned remains. In addition, field investigators have not received adequate information regarding Vietnamese Communist policy to hold Americans for prisoner exchanges even after 1973. Nor are they receiving from the CILHI Lab in Hawaii the forensic analysis of returned or recovered remains, which may have a direct impact on further investigation of other MIAs involved in the same incident.

For example, we were talking before about the satellite pictures from North Vietnam taken in 1992 that were near a place called Dong Vai Prison, where there were distress signals and pilot authenticator codes seen by satellites. There was a set of remains returned from that site earlier. The remains of the pilot that was identified showed scientific evidence of malnutrition that are consistent with long term confinement. In other words, this was a person who was not killed in an airplane crash, but who died in captivity.

However, the results of that forensic analysis that was done at CILHI was not passed to investigators at the Joint Task Force, who went out into North Vietnam to the same area to investigate those distress signals.

In some cases, the Vietnamese have returned the remains of one member of a multicrew aircraft, and U.S. forensic analysis shows that the individual was not involved in an airplane crash. These results should have been given to the field teams before they went to the sites to look for other remains.

Investigation of other crew members should be based on the possibility that they may have been captured instead of perishing in a crash. But that consistently has not happened.

This is why families are protesting cases where the determination of death of numerous crew members in an incident is based on the finding of one or two teeth at a crash site. And they are resisting group burials based upon the commingling of fragments of remains from any particular site.

This is also the reason that the families protested the removal of Dr. Ellis Kerley as the director of the CILHI Lab. Dr. Kerley was the former dean of the American Academy of Forensic Science. And he did not believe that finding a tooth by itself is a basis for determination of death. Dr. Kerley was replaced at CILHI in 1992 by a U.S. Army Lt. Colonel, professionally a dentist, who has limited forensic experience.

Joint Task Force Full Accounting officers, such as General Needham and Lt. Colonel John Cray, up through last week were repeatedly praising the Vietnamese for giving even more cooperation than they could have possibly hoped, which was very different from what we heard General Needham say today. Meanwhile the JTFFA are rapidly writing off discrepancy cases.

I would like to look at these reports on JTFFA determinations of either death or to close the case, and look on what basis are they closing these cases. Their findings are based on investigations by young infantry and artillery officers, and forensic examinations conducted by Army dentists.

At the same time, expert field investigators such as Bill Bell, who just coincidentally is an important player when Congressman Rohrabacher talked about the case when these poor JTFFA guys were on helicopters looking for the prison sites. General Needham did not know or he did not tell you that Bell had interviewed the former prison camp doctor. They could have brought that former chief doctor of the hospital to that site with them. He could have helped them to pinpoint the camp.

The problem is that the Vietnamese are using these manipulating the way that they used cemetery upkeep with the French. This is an important point.

[Pause.]

Mr. SANTOLI. We are paying the Vietnamese through the nose to do these crash site excavations. We are paying the central government. For every extra day that our people remain in the field on one of these excavations, they pay the Vietnamese more money. They pay them for lodging, for transportation, and for fuel. And it goes into the hundreds of thousands of dollars per day. I think that there is a real problem with having a \$100 million budget, and going out and wastefully using these crash site excavations as basically the means by which we are dealing with this issue, which the Vietnamese in fact are manipulating as a growth industry.

Now I included with my testimony the Army's biography of Lt. Colonel John Cray, who may be an outstanding infantry officer and a master parachutist. However, like most other JTFFA Detachment commanders, he has no intelligence background, and no previous experience in POW/MIA investigations. And he only had a brief amount of Vietnamese language training before he was assigned the job.

Senior Defense Intelligence Agency analysts include Robert DeStatte, the chief analyst in Hanoi. He is among a number who have made numerous blatantly false or misinformed testimonies before congressional panels. Despite their lack of credibility, most of these DIA men have worked the MIA issue for more than two decades. Senator Bob Smith requested an investigation into perjury charges against some of these men, but he was turned down by the Clinton Justice Department.

I believe that Senator Smith's allegations merits a full congressional probe, whether it be in the Senate or in the House. But it needs to be looked into, because the accused are the same DOD analysts that the families feel are not cooperating with them. The families have numerous nightmare stories about these men.

Recently, General Needham's Joint Task Force took Major Victor Apadoca's name off of the discrepancy case list. This was not because they found him alive, recovered his body, or received irrefutable evidence regarding his fate. Instead the JTFFA closed the investigation, because the Vietnamese provided no further information about his case.

I believe that if you have a man who was either last known alive or suspected of being alive, it should not take 10 or 20 years for information to be provided by the Vietnamese. They should provide it now.

This JTFFA finding also ignored the sworn testimony of Jerry Mooney, a former National Security Agency cryptologist, who told

the Senate Select Committee under oath that the NSA had intercepted Vietnamese military communications that Major Apadoca and/or his co-pilot were captured. Mooney's credibility was supported by a senior Select Committee analyst, who claims when looking through NSA archives, "I found lots of data in the NSA files to substantiate Mooney's testimony. Some radio intercepts mentioned names of specific captured pilots."

Mr. Chairman, Senate Select Committee investigators expressed frustration that the committee disbanded before they could look through a large amount of NSA records, which could shed further light on numerous POW/MIA cases. In addition, there are archives of other Air Force, CIA, and NSA intercept programs that existed until the 1975 Communist victory that have yet to be declassified or adequately examined by nonbiased experts.

Recently, the American Legion has filed a Freedom of Information Act request of a CIA/NSA Air Force intercept programs including one called Cold Spot. These programs included ground intercepts of North Vietnamese and Laotian military and political radio communications, as well as possible airborne intercepts.

Simultaneously, from 1973 to 1975, the NSA with the Air Force was conducting communications intercepts using Air Force units that were based in Japan and Okinawa that flew off of the coast of Vietnam. So there are a number of operations where intercepts could lead to more answers or more clues regarding the fate of missing men.

In addition, until 1975, the U.S. Army Security Agency in cooperation with the NSA conducted a massive intercept program out of Ubon, Thailand with decoding conducted at Vint Hill Farms right here nearby in Warrenton, Virginia. At the same time, there was a combined microwave and airborne intercept program conducted out of Nakhon Phanom, Thailand.

Earlier U.S. airborne communications intercept programs such as Olympic Torch and Comfy Gator conducted out of Thailand intercepted numerous messages related to the shoot down, capture, and transport of American prisoners. It was these programs that Jerry Mooney was talking about. And I should say between 1986 when he first tried to approach the Congress about this information until 1992, basically U.S. Government bureaucrats said the guy is crazy, he does not know what he is talking about.

But when the Senate Committee investigators followed Mooney's advice and his information, they in fact did find relevant information in files that NSA earlier claimed that they did not have or did not know where it was located. We need more of this. We need to have a team or a commission of independent nonbiased experts who can help locate some of this information, and move this investigation forward in an honorable manner.

The CIA has responded that they do not have records of a Cold Spot program. However, a highly credible intelligence official—and I have spoken to two others who were in the program—claimed that such an intercept operation did exist. Twenty years after the end of the war, there is no valid reason for records of any intercept program to remain classified.

Mr. Chairman, I am asking the members of your subcommittee to assist the American Legion to rapidly obtain all communication

intercept records relative to POW/MIAs from any agency, whether filed under the operational name of Cold Spot or any other program before or after 1973.

To successfully conclude the POW/MIA tragedy, a nonbiased independent commission of experts must be created to conduct oversight of the Pentagon and other U.S. Government agencies involved in POW/MIA investigations.

In addition, I believe that a major part of the families' problem is the 1942 Missing Persons Act regarding prisoner of war determinations. This must be revised to permit families of POW/MIAs a credible appeal process if they have documents, eyewitness reports, or forensic evidence that challenges government determination of death or closing down cases without the fullest possible accounting.

Thank you.

[The prepared statement of Mr. Santoli appears in the appendix.]

Mr. ACKERMAN. Thank you very much.

Mr. Necci.

STATEMENT OF ROBERT NECCI, EXECUTIVE DIRECTOR, ADVOCACY AND INTELLIGENCE INDEX FOR PRISONERS OF WAR/MISSING IN ACTION

Mr. NECCI. Chairman Ackerman, and Congressmen. My name is Bob Necci. I serve on the board of directors of Vietnam Veterans of America, Chapter 11, Long Island, New York, in Congressman Ackerman's area. I also serve as Director of AII. It is an educational and informational fax network on the POW/MIA issue.

I would also like to take this opportunity to thank Congressman Ackerman and his staff director, Rus Wilson, for allowing me to put together the panel which spoke here this afternoon before the government officials and us now. I am very appreciative of that responsibility and trust. Thank you.

My remarks are brief. Those who have spoken and will speak after me will present information that this subcommittee must hear. For my part, I am here to tell you that we are witnesses and living participants to a failed policy of the past concerning POWs and MIAs. We are the voice of the present asking many questions and one specifically, what happened to those live Americans who were held in captivity and not returned? And lastly, we are to be the insurance policy of the future that these tragic mistakes of the past shall not again be repeated. That concludes my remarks.

But Karen Miller, who was not able to speak because of an oversight in the subcommittee rules, I would just like to read into the record her short statement.

Mr. ACKERMAN. As we told you, we will take that statement and review it.

Mr. NECCI. Thank you.

Mr. ACKERMAN. Ms. Patricia Plumadore.

STATEMENT OF PATRICIA PLUMADORE, FAMILY MEMBER OF L/CPL KENNETH L. PLUMADORE, U.S. MARINE CORPS

Ms. PLUMADORE. Mr. Chairman, and committee members, thank you for this opportunity to speak before you today.

I believe I know now how my brother felt when he was left behind the first time in 1967. Having first put my hopes into a committee that never even followed through with its own recommendations, and secondly placing my faith in a President who has broken his promise, I feel abandoned and betrayed. How much more so the men we left behind again.

I was not aware of the circumstances surrounding my brother's loss until 1992. I will not go into my feelings toward the Marine Corps and the Pentagon for having forgotten to pass on to my family the information they had about my brother. However, I will tell you that I do not accept their apology of their explanation.

That aside, my purpose for appearing before you today is hopefully to show you what I believe to be Vietnam's lack of cooperation in resolving the fate of my brother.

My brother, L/CPL Kenneth L. Plumadore USMC, was left behind on the battlefield along with 14 other Marines on September 21, 1967. He was declared killed in action, body not recovered. Nineteen days later, his unit returned to the area, and recovered the remains of 14 Marines. Kenny was still KIA/BNR.

In April 1986, Vietnam returned a set of remains that they stated were the remains of L/CPL Kenneth Plumadore they had captured on September 21, 1967, who subsequently died 7 days later in a prison hospital at Vin Linh.

When I was made aware of this information in June 1992, the first question I asked the casualty officer was what was the likelihood that the remains recovered in 1967 were misidentified, and that my brother was buried in somebody else's grave. The reply from Colonel Webb was that that was not very likely to have happened. The returned remains did not correlate to any of the 15 Marines left on the field.

I have some very straightforward questions I want Vietnam to answer. What records did they use in 1986 to associate the returned remains of the soldier they said they captured in 1967 to the Con Thien incident? Where are the personal effects, ID, jewelry, et cetera taken from the POW in 1967? Where were the remains kept from 1967 until 1986?

And as we talked about earlier, I heard you talking earlier about the prison hospital records, and any records that would have been generated by a POW that they had under their control. They had records.

The statements provided by the Vietnamese witnesses to the September 21, 1967 battle and subsequent capture are not consistent with our own intelligence data that was available at that time.

Witnesses stated that the prisoner was placed by a culvert which sustained a direct hit by artillery or bomb. Our intelligence said that the prisoner had arrived at the DMZ alive. One would think that my brother being a priority case for investigation, that at least some information would have been obtained during the 1993 JTFFA investigations.

However, I was told that there was no new information in Kenny's file for all of 1993. Either our Government did not ask the questions or the Vietnamese refused to answer. Something is terribly wrong here.

I have dreams of my brother turned old and crippled from torture and captivity. I have dreams of sneaking into graveyards, digging up graves of other Marines looking for my brother.

Will I ever know what Vietnam knows about my brother? Will I ever know what our Government knows about my brother? Will my questions be answered or an explanation be given as to why they cannot be answered? Until then the nightmare continues.

But the thing that really gets me so angry is the lack of information that I can get from our Government. And the fact that what they do have that is classified, I have to travel to Washington or Arlington, Virginia to look at it. They cannot send me anything through the mail.

It is so classified, and it is so top secret that they have to have me come under escort to the Virginia Commonwealth Bank Building, and be under the eyes of a casualty officer and a member of DIA to look at what they know about my brother. And half of that will be blacked out and redacted.

They are still redacting his vicinity, the vicinity that they are investigating him in. After 26 years, they cannot even tell me where he was.

And another thing, you were discussing the numbers, the disputed numbers, and the Russian documents, the numbers that the Vietnamese were holding back, possibly holding back. Either I have been lied to, and my family was lied to for 25 years, or my brother is one of those POWs that Vietnam held back, because the Marine Corps claimed he was examined, declared dead on the battlefield. For 25 years, the Marine Corps said the same thing, that he was dead and his body blown up. Then in 1986, Vietnam said here he is, we had him.

So is he one of those POWs they held back? He must be, or the Marine Corps intentionally lied to me for 25 years. It is one or the other. And I wish you could find out. If you could get answers for me. I cannot get any.

Thank you.

[The prepared statement of Ms. Plumadore appears in the appendix.]

Mr. ACKERMAN. Thank you very much.

The staff will be directed on the subcommittee's behalf to put those questions in writing for the government witnesses that appeared here today.

Ms. Judy Coady Rainey.

STATEMENT OF JUDY COADY RAINEY, FAMILY MEMBER OF MAJOR ROBERT FRANKLIN COADY, U.S. AIR FORCE

Ms. RAINEY. Thank you for having me. I would like to back up what everybody is saying. We do not get answers. When my brother first went down, it says that any new information that becomes available, it will be furnished to you immediately. This is signed by Colonel Fallon, who I believe was the acting officer where he was stationed at the time. Colonel Fallon is also missing. So I am sure that he thought that any information that the Air Force got would be passed on to the families.

This is a sheet that my mother signed, and my father signed one, and my sister-in-law signed one. It is x'd where it says provide me

all information which may pertain to my missing loved one regardless of final evaluation or correlation. This is what the Air Force asked them to do, and this is what they did.

In 1969 when my brother went down to 1974, we were told that there was no information. We believed what they told us. The Air Force is not going to lie to us. I mean they are too good of a person to do this. We accepted this.

When my sister-in-law closed the case in 1974, because the POWs had come out, and we were told that there was no information, they sent this letter. And we were not smart enough at the time to even question it. It reveals that no supplementary information has been received through the debriefing of a former prisoner of war, or from any official or unofficial source which would tell the ultimate fate of Major Robert F. Coady.

So we thought that they were saying again we have no information. In 1991, I was encouraged by a cousin to ask for his files. I said I would be glad to, but we will not get anything. They already told us that there is no information. A POW came out with his name. There is a CIA report. And now I find out that there is satellite imagery. Each time I move along, I am told I have all of the information.

Mr. ACKERMAN. These are pertaining to your brother?

Ms. RAINEY. Yes. They tell me that the information is not good. But it was important enough to classify, and not to tell the family. The government is now telling us that the POW who came out with his name really did not spell it COADY. They say that he spelled it CODY/COTE, when the original report says COADY.

The CIA report. When they were asking for that, it was from April of 1991 to December 24 before I got that report. It was faxed to me in San Diego. The whole time I was asking the Air Force what about the CIA report. They would check and then they would even write me letters saying that they had checked with CIA. That they had some more work to do, and that it would be forthcoming.

I received in my files at the league meeting where they give us the microfiche some papers that said do not fiche. It is where they sent the information back to the CIA, because CIA had sent another report along with it. They told the CIA that they only wanted originating documents. So if there is more information out there, they are not going to help us get it. If we do not know how to ask for it, we do not get it. And that is not right.

My time is up and I haven't said what I want to say.

Mr. ACKERMAN. Ms. Rainey, I don't think that light is working your time is not up.

Ms. RAINEY. Oh, it is not. OK.

Mr. ACKERMAN. I believe the light has malfunctioned, you take all the time you need.

Ms. RAINEY. OK. Good. I have another 10 minutes.

They did a site survey on my brother's case. They had a Laotian who took them to this site. The Laotian said that he saw this plane go down. It was at night, or it was at 6:00. It was during monsoon season, and the plane was all by itself. They said that this correlated to my brother's plane, because they took a prop away. My brother was flying a A1H that had a prop, propeller on it.

I could not understand how they could take a Laotian's word that would tell them this story when my brother went down at 9:35 in the morning. He was with a lot of other planes. And it was in January, and that was not monsoon season.

So how could they get all of this story mixed up and say that this was his crash site?

I went through my book, and I put down everybody that went down near my brother. There was a pilot by the name of Edward Leonard, Jr., who went down I think about 18 miles from my brother. He was flying an A1H, the same type of plane.

So I called Mr. Leonard, and I talked to him. I just wanted to find out what the area was like, what happened to him, and all of this. I told him the story of the crash site. And he said guess what, it is probably my plane.

They have gone back now and have excavated this same site, because they say it is my brother's site and now they have found a tooth. I do not know whether they will correlate it to him, but I am sure that is where it is going.

We need help. You have to stop them from closing cases on one tooth. This is unacceptable accounting.

Here is a family member who sent out an invitation to all family members to bury a tooth at Arlington. So it is happening. It is just one tooth. Now you all might want to bury one tooth. But one tooth to us does not mean somebody died, especially when they have information on people.

We want the truth. No one checks on what they say. They tell you a story, and that is it. Nobody goes back to see whether they have really done the work, except for Senator Smith.

Senator Smith checked out DIA's information on sources, on what the sources said about where prisons were. DIA said the sources lied, they fabricated everything and that there were no such prisons. Senator Smith took those documents to Vietnam when he went, and he went to those prisons. And they are there, and the sources did lie.

But nobody goes back and checks on DIA, JTFFA. What they end up saying is final word. It is accepted by the President, and he lifts the trade embargo. But he does not realize that he is the one who has to be responsible. The buck stops where it stops.

We need your help. The veterans have not given up on us. Do not give up on us either. You have to listen to us. We are not going to go away. We need you to do something. Do you want us to believe that the government officials who did not tell us that there was information, her family, my family, and other families, were not credible, or were not good men. What were their agendas then?

What about these men now, what is their agenda? Do we know what they are telling us are the truth? We do not know that. Just like back then. When we believed them, we believed them. We cannot do it anymore.

They talked about having funding for going to Vietnam. What about having funding for families to do DNA testing wherever they choose? We need that. That is very expensive. But if they come up with something, I have to have it DNA tested outside from their office, not from them. I do not trust them.

That is basically what I have to say.

[The prepared statement of Ms. Rainey appears in the appendix.]
Mr. ACKERMAN. Thank you very much. I appreciate that testimony.

If I could ask your indulgence for again to answer the call of the bells. This might be the last one. I am not sure. We keep being promised. But it is kind of out of our control right now. I promise you that I am going to come back in a few minutes, and we will continue to hear you, if you can wait. We will recess for a few minutes.

[Recess.]

Mr. ACKERMAN. The subcommittee will come back to order.
Our next witness is Barry Toll, former U.S. intelligence official.

STATEMENT OF BARRY TOLL, FORMER U.S. INTELLIGENCE OFFICIAL

Mr. TOLL. Good afternoon, Mr. Chairman. I cannot say that it is a pleasure to be here to discuss this subject, but I am gratified that the committee has invited me to speak.

I would begin with where Judy Rainey left off in her remarks in terms of her opinion that this issue is not going to go away, in stating that five U.S. Presidents have exhorted the American people at one time or another within their terms to "put Vietnam behind us," all to no avail.

The reason for that is quite simple. The American people know that virtually everything their government once told them about Vietnam, Laos, or Cambodia, or the conflict in those regions has turned out to be a lie, and has been discovered to be so.

I am a living participant to the lie, the fiction, the charade that we did not leave men behind in Southeast Asia. And I have been fighting this issue from the ground in Laos as a leader of top secret clandestine missions to rescue American POWs in Laos in 1968, than later detached to MACVSOG, to the White House just recently in arguments with Anthony Lake as to why this President should grasp the nettle of the issue and face the conundrum once and for all, and restore the national integrity in the matter at hand and end the trail of tears and grief that these families have had to endure.

I will begin by telling you that my service in the U.S. Army began as a draftee like most of my generation in 1967. And in 1968, after heavy combat as an infantryman in Vietnam, I became a volunteer team leader of long range reconnaissance patrol missions, and then was detached and operated under the auspices of MACVSOG, the studies and observations group, which of course we now know contained and conducted America's most covert operations in Southeast Asia.

And for 8 years, I virtually rode the spinal cord of the intelligence flow from the region back to the White House in assignments variously out of the Embassy in Bangkok; at CINCPAC, the Army command center in Hawaii; and finally in my final position in the years 1973 through 1975 as the operations and intelligence specialist to a battle staff team for what is known as a SIOP execution team.

These teams are euphemistically referred to as doomsday teams. And the purpose of the team was we were holders of Presidential

nuclear executions codes. And my function on that team, I had to stand ready to brief the President of the United States, or his designated successor, or alternate command authority as to how to proceed in a potential nuclear environment.

As such, I was privy to the combined integrated output of the entire U.S. intelligence community. Senate Select Committee (SSC) investigators have concluded that typically I would see materials that only 80 men in this government would see daily flowing to the White House. And I have testified about much of those to the SSC. Although my testimony was held very closely, and placed under the caveat, under the Senate Select Committee's rules, as being "under investigation," which thereby constrained any Senator, staff, or parties privy to the information of my testimony from commenting publicly, specifically after my initial testimony in June 1992 when Senator Smith in an outburst challenged one of the men who testified here today and a few others on the basis of my testimony.

Allow me, please, just to get to the heart of the matter of an irrefutable paradigm, if you will, that I defy anyone to dispute in terms of the record of the history now established on this matter as to events occurring in 1973.

On the 21st of January, President Nixon stood before the nation at a national press conference, and again repeated a long deceit that is at the very heart of this matter. And that is that he stated that we had no combat forces in Laos.

The secret war in Laos at that time had over 580 Americans missing in it comprised predominantly of flyers, and then those individuals who had participated in covert operations such as myself in that area. And our highest probability intelligence at that time—and if you wish to question me, I will go into detail about that, what Mr. Ross was talking about today that they just reviewed. Well, I helped to create some of that, and I watched it all.

And the highest probability intelligence at that time was in Laos alone we had 350 men held captive there. And I want to bring to your attention the reality that in the spring of 1974 in this body, one of the chief articles of impeachment arising against President Richard Nixon was the conduct of the illegal and unconstitutional wars in Laos and Cambodia.

Now on the 27th, of course, of January, the peace with honor accords were signed in Paris, and we got the list of how many men the North Vietnamese were going to immediately return to us. And we found out that they were going to give us in the neighborhood of 590 men.

At that point in time, the Joint Chiefs of Staff and the various specialized and unified commands, especially CINCPAC, which had the greatest level of input on our projections, predicted that we get approximately 1050 men back from North Vietnam, if they were fully forthcoming.

And of course, I just make note of the Quang Document's implications at 1205, and the questions that you asked Mr. Ross regarding that today.

On the first of February 1973, President Nixon had delivered to the Vietnamese a promissory letter of sorts, if you will, promising the Vietnamese or guaranteeing them that he would provide them a minimum of \$3.5 billion in reconstruction aid. And I would like

to put "reconstruction aid" in quotes. Because if you go back and you ask to see Rand Corporation studies commissioned by the Nixon White House in 1969 and 1971, you will find the same words in there warning Messrs. Kissinger and Nixon that indeed the Vietnamese would hold men back.

They had done so historically, as had other Communist regimes, for ransom. And in order to avoid the stigma of having to pay ransom, Rand advised that it would best proceed as such a guarantee under the guise of reconstruction aid.

Other recommendations contained in those highly classified studies, you will generally find that Dr. Kissinger followed almost to a T in the negotiations.

However, in exchange in return for that letter in a very secret clandestine meeting in Paris was the Laos POW list, which only contained nine names on it. At that point in time, the Chairman of the Joint Chiefs of Staff and the other commanders of the unified and specified commands literally went ballistic, as I was privy to their back channel messages.

And that precipitated an atmosphere where in on the 21st of March 1973, Admiral Moorer signed and executed a top secret order to the command in Saigon ordering them to halt the withdrawal from Vietnam, an event that should it have reached the public ears at that time would have caused an outcry and demonstrations throughout the United States, as those of us old enough can well remember what the climate existing was at the time in our haste to get out of Southeast Asia.

On the 22nd, Admiral Moorer reversed his order. His testimony about this before the SSC, and he was directly recalled and testified twice, because I contradicted his initial testimonies, was that he reversed that order, and the withdrawal began to proceed.

Admiral Moore in his order to halt the withdrawal specifically noted these men held back in Laos. On the 28th, Lawrence Eagleburger, then Assistant Secretary of Defense, drafted a memo stating on the highest probability intelligence that 350 men remained behind in Laos, apparently not going to be returned. And he urged massive B-52 strikes, and the movement of a carrier task force group into the Indian Ocean in order to pummel the Laotians and force them to give up the men.

Secretary of Defense Richardson deleted the idea of a carrier task force, but passed the memo on to the White House. And then we know that on the 29th of March that the President stood before the nation, and told them that all of their POWs were on the way home, as our men began stepping off the planes.

That caused Roger Shields, who was head of the POW/MIA effort in the Department of Defense at the time, to seek out who was then Acting Secretary of Defense Clements, and tell him that that could not really be said, as they were concerned about an upcoming press conference. And as SSC testimony reveals, Clements urged Shields to say the rest are dead. Mr. Shields said you cannot say that, and he thought he was going to be fired for his articulation of such a strong retort. And Mr. Clements again reiterated according to this sworn testimony, "You did not hear me Roger, the rest are dead."

On the 11th of April, Roger Shields met with Clements, Scowcroft, and Nixon in the Oval Office. The transcript of this, tapes, and notes of the NSC were refused to the SSC investigation. The next day, Shields at the press conference said words to the effect, "We got them all. The rest are dead."

But on May 26, 1973, amid continuing secret talks with the Vietnamese, Dr. Kissinger beseeches Vietnam's Le Duc Tho to not contradict any U.S. public statement that Article 8B POW/MIAs of the Paris accords applies "to all of Indochina." He then states, "Now we would like a sentence from you, which I cannot understand why you cannot give us, that all of the prisoners held in Laos have been released. It would be very important for us."

Nobody has asked Dr. Kissinger why he would say such a thing, reducing Lawrence Eagleburger's request to virtually restart a large portion of the war to merely demanding a sentence from the Vietnamese, within a few dozen days.

The fact of the matter is that we believed with the highest probability intelligence, as Dr. Schlesinger finally testified, and Elliot Richardson finally testified, and Melvin Laird testified, that indeed men were left behind.

The question now becomes what has happened to them. Well, I have watched virtually an Orwellian charade ensue for the last 20 years over this issue. And our Government has just now finally gotten around to where you notice that Winston Lord would not directly answer your question today of "did we leave men behind?" He said, what I recollect of his response, is that he "did not want to air unfair accusations."

What I just read you is irrefutable on the record of the Senate's investigation. Let the chips fall where they may on that matter.

I would like to bring to your attention the reality that as the Senate investigation shows that in 1975, having an exemplary career of 8 years, as a holder of Presidential nuclear execution codes. I walked into work one day and stated, "I will never wear the uniform again under a lying executive." And I said "I do not care if you put me in the stockade." And I went home over the abandonment of these men.

A series of top secret debriefings ensued on four different occasions, and that is attested to by the Judge Advocate General lawyers that represented me during that period of time, while the military decided what to do to me. Those files were refused to the Senate Select Committee's investigation.

And I certainly know why. Because they clearly state my contemporaneous recollection of those events at the time. I gave the Senate Select Committee a list of 32 persons who could corroborate exactly what I was saying, and my actions during those periods of time.

I see in this problem that we have now—having been requested by the families to come forward on this matter, which I did not really wish to do in 1992, and address the question and testify as to the facts and events that I witnessed at the time—that the Senate Select Committee in my opinion got to the edge of the abyss of this matter, and looked in and it was pretty ugly, and then they just backed off.

The record of the Senate is that two Senators actually threatened to resign over the scripting of witnesses, and complained bitterly about the failure of the committee itself.

Mr. ACKERMAN. Mr. Toll, you say two Senators?

Mr. TOLL. Yes. Senator Grassley and Senator Smith actually threatened to resign at various points during the investigation.

Mr. ACKERMAN. To resign from what?

Mr. TOLL. From the committee itself, from the Senate Select Committee on POW/MIA Affairs.

Mr. ACKERMAN. The Select Committee?

Mr. TOLL. That is correct, from the Select Committee.

Mr. ACKERMAN. And when was this?

Mr. TOLL. I believe in August, Mr. Chairman. But I would have to recheck my notes.

Mr. ACKERMAN. August of what year?

Mr. TOLL. 1992.

Mr. ACKERMAN. Thank you.

Mr. TOLL. During the course of the investigation.

And I was embroiled in several controversies behind the scenes while my testimony was "under investigation". It still remains under investigation, along with only a few others whose testimony was so provocative, and to my mind persons who did not want it to see the light of day.

The investigator handling the files relating to the investigation of the charges that I made in documents, and I am going to list them for you in a minute, so that this committee knows what critical CAPSTONE intelligence materials I named—

Mr. ACKERMAN. Could you do so briefly, because we are way, way into our time right now. We do have another panel.

Mr. TOLL. They were handed over a foot and a half files to the National Archives. If you go there now, and there is a man sitting in the audience, Roger Hall, an independent researcher, if you go to the National Archives, you will see that my file has been reduced to half an inch. Putting a lie to the fiction that all of the materials relating to this matter are being declassified.

I testified to critical CAPSTONE materials in CIA executive registry files, CIA director of operations files, NSC files, and other files. Critical CAPSTONE intelligence that was never released to that committee.

I argued to Anthony Lake in the White House in November, along with George Carver, former special assistant to three Directors of Central Intelligence, and with General Eugene Tighe who could not accompany us because he was too ill, in a team that we put together to attempt to convince this President that he was being misinformed, and that he should create an independent commission to review those critical CAPSTONE materials in accordance with his declassification orders.

The reality of the matter of what I am trying to say, Mr. Chairman, is the real materials dealing with this matter have never been exposed to investigation. They just simply have not. And the truth is that if the President wanted to get to the heart of this matter and answer the question, all he had to do as I told Anthony Lake—and he and Kent Wiedemann asked me several times over and over to provide them with lists of dates that they should re-

view the Nixon Oval Office tapes, which the Supreme Court of the United States says belong to the American people.

I also provided Mr. Lake and Mr. Wiedemann in meetings with Carol Hrdlicka and George Carver at the White House in a period of correspondence, and meetings, and telephone calls over a 2½ month period in an attempt to convince them that the President should pursue this route and grasp the nettle of the issue, and thereby create an atmosphere under which true healing can finally begin, and to the bottom of the POW/MIA issue, stacks of intelligence documents, which they promised to return the next day, many of them quite provocative. They refuse to return them to me now. And I proffer some of them to the committee.

Mr. ACKERMAN. Do you have copies?

Mr. TOLL. Well, they will not return certain critical ones going to the Director of Central Intelligence himself.

Mr. ACKERMAN. Do you have a copy?

Mr. TOLL. I do have some here, reproductions, that I proffered to the committees.

Mr. ACKERMAN. Are there documents that you turned over that there are no other existing copies?

Mr. TOLL. Yes, there are. Yes, there are. I just simply have not assembled them all. I have perhaps 50 percent of 40 documents that I gave them here for you.

Mr. ACKERMAN. Why do you not take about 1 minute to sum up, if you can. And if you would provide us with a list of questions that you think that we should be offering up.

Mr. TOLL. Let me get to the heart of the matter. There is provocative, compelling, explosive evidence existing in the U.S. Government archives right now that either the President has not been made aware of or has ignored. And I know that, and I have seen it. And I so told Mr. Lake and Mr. Wiedemann.

I told Mr. Lake in private that I had seen satellite photos brought to me by members of the intelligence community that were outraged at the conduct of the imagery investigation to the SSC, that a great deal of material had not been provided to that committee. And that in a cursory review of only 15 percent of the archival material existing on imagery, that they have discovered, and showed, and displayed to me 48 different photos containing either the secret identifiable codes, the names, or assigned ground distress symbols for individual pilots. And I looked at these myself.

When Carol Hrdlicka looked at it and George Carver—we originally went to the White House. And had we been given the meeting with the President like we thought we were going to get, I would have carried those in there at that time.

Those parties are fearing great political retribution. And what is being done here is to simply avoid the reality that these materials exist. And what is going to happen is that they are going to emerge, and there is going to be great retribution.

Mr. ACKERMAN. Do those photographs exist?

Mr. TOLL. Yes, I believe they exist. I have seen them.

Mr. ACKERMAN. You are saying that they are in the Archives now?

Mr. TOLL. And I described them. And I know that Anthony Lake knows some of them exist, because he asked me whether or not I had seen a certain one or not.

Mr. ACKERMAN. Mr. Toll, are you contending that they are presently in the Archives?

Mr. TOLL. Yes, I am. I contend that they are presently in the Archives. In fact, Mr. Lake and Mr. Wiedemann—

Mr. ACKERMAN. Has Senator Smith seen them?

Mr. TOLL. We are out of time. So if you would question me, Mr. Chairman, I would be glad to tell you about them.

Mr. ACKERMAN. Has Senator Smith seen those, has he gone to the Archives?

Mr. TOLL. No. These materials as represented to me were materials discovered by persons in the intelligence community who were so angered over the fact of what Senator Smith did not see, that they continued to work after the Senate Select Committee closed up shop. Because they knew that materials had been shunted around and only a cursory review had been done.

Mr. ACKERMAN. If I may, Mr. Toll.

Mr. TOLL. No, Senator Smith has not seen the materials that I spoke to Anthony Lake about.

Mr. ACKERMAN. Is there is a reason that he has not gone over to the Archives to take a look that you know of?

Mr. TOLL. I do not communicate with Senator Smith, so I would not know how to respond to the Chair. I did not tell Senator Smith. I was talking to Anthony Lake.

Mr. ACKERMAN. Let me ask this in the interest of time, because we do have another panel, and the weather is closing in yet again on our region. And there are some people who I think probably want to fly home before that happens rather than be trapped here for a day or so.

Would you be willing to share that information, what those documents are, with the staff of this subcommittee, so that we might make a judgment as to how to proceed in discovering them?

Mr. TOLL. If you convince me that the effort is going to be earnest, I certainly would. There are persons fearing political retribution, Mr. Chairman, on the matter. And I take it at your word that the effort would be earnest. So I will begin that process.

Mr. ACKERMAN. If there is information that this committee should look into and you are willing.

Mr. TOLL. Absolutely. I will be glad to give you specific lists.

Mr. ACKERMAN. We have had a lot of people tell us that things exist. And when we ask them to show it to us, there is always a reason why they will not, cannot, or should not.

Mr. TOLL. No, I am not saying that I will not show it you. I am not in possession of the photos.

Mr. ACKERMAN. I do understand that. But if they do exist. You say that they are in the Archives?

Mr. TOLL. Yes, correct.

Mr. ACKERMAN. If they exist and they are in the Archives, we will gain access to them, or we will make every valiant effort to do so, or find out why.

Mr. TOLL. All right, Mr. Chairman. On your word, I shall proceed to cooperate with your staff.

Mr. ACKERMAN. It is a pretty big Archives. We have to talk one at a time, otherwise it is not going to work out for the record. And I know you have a lot to say. And I know that I have a lot to hear and a lot to learn. But I have just got to ask the questions, so I can get this thing moving.

I think you indicated, is that correct, that you would assist us?

Mr. TOLL. Yes, I will.

Mr. ACKERMAN. And identify those documents, so that we might make an effort to find them.

Mr. TOLL. Yes, I will.

[The prepared statement of Mr. Toll appears in the appendix.]

Mr. ACKERMAN. Thank you.

Let me first say to my good friend Bob that I have indeed read Karen Miller's statement, and I find it rather compelling. And we will make this also a part of the record at this point and at this time.

Let me say that this has been quite edifying. And we probably could spend a lot more time on this and we will, but we cannot do it all today, with this panel. This process will be continuing and ongoing. Let me thank each and every one of you on this panel for your patience, and for being with us today. The full committee appreciates it. Despite the fact that people have been running in and out, and some are not here right now, it is no indication of a lack of interest in this area. And I assure you that both members and staff will be looking at everything that you have said and submitted to us. Thank you very much.

The next panel is Mr. J. Thomas Burch, President of the National Vietnam Veterans Coalition; Ms. Anne Mills Griffiths, the Executive Director, National League of Families of American Prisoners and Missing in Southeast Asia; Mr. John Sommer, Executive Director, Washington Office of the American Legion; Mr. John Terzano, President, Vietnam Veterans of America Foundation; Mr. Richard F. Schultz, National Legislative Director, Disabled American Veterans; and Mr. Pat Gressman, POW/MIA, family member representing the National Families Alliance.

I do not want to appear to be rushing those who have had the most patience during the course of this very long day. But I do just want to ask people to be mindful of the time so that we can get through the entire panel and allow those who must leave to do so. So I know everybody has a statement. If you would like to either read your statements or to summarize them and we can place the entire statement in the record as you wish.

Mr. Richard Schultz. If we could just pass the microphone down, and pull it close to you and we will share those things. Welcome. Welcome to the entire panel. Thank you for exhibiting tremendous patience and I do appreciate the sacrifice that you have made in time and resources to be here with us today. Mr. Schultz.

STATEMENT OF RICHARD F. SCHULTZ, NATIONAL LEGISLATIVE DIRECTOR, DISABLED AMERICAN VETERANS

Mr. SCHULTZ. Thank you, Mr. Chairman, Mr. Gilman. You know, it has been a very emotional day for me sitting here just listening to the family—the family members discuss the roadblocks put up by the government in their request for documentation or informa-

tion about their husband and brothers and loved ones. And I would just like to say that, you know, personally having served in Vietnam myself, I am outraged by the treatment that was given to these family members. And I certainly appreciate the fact that you and the committee have held this hearing today and are doing everything you can to assist these families in obtaining the information that they have sought for so many years.

As a leading organization representing American service-connected disabled veterans, the DAV has a vital interest in the issue before the subcommittee here today. And before I address our specific views concerning Vietnam, allow me to state the philosophy of the Disabled American Veterans regarding the general issue of POW/MIAs.

When our national leaders have elected to send our country's best and brightest young men and women into combat, the members of our armed services have always gone and in each case, our servicemen and women have consistently displayed valor and courage far beyond the call of duty. In every instance requiring the use of force to protect our vital national interest, members of the armed forces have taken with them an unwritten, unspoken, but unbreakable contract to the battlefield; a contract from our Government that simply states, "We will leave no one dead or alive in the hands of the enemy."

Based on this unwritten, unspoken, but unbreakable contract, the DAV strongly believes that our Nation has a sacred obligation to account for its missing servicemen and women who do not return from the field of battle. This contract was meant to have no loopholes, no escape clauses, and absolutely no room for negotiation. In our view, the U.S. Government, dating back to World War II, has failed miserably in meeting the terms of this contract. Mr. Chairman, every DAV member in every corner of the country has a standing obligation to press our national leaders to develop policies consistent with this unwritten, unspoken, but unbreakable contract.

Regarding the situation with Vietnam, the delegates to DAV's recent national convention unanimously adopted a resolution which urges the President not to lift the embargo nor normalize relationships with Vietnam until we have received a full as possible accounting of our missing comrades. At the recent White House meeting, just hours before the embargo was lifted last Thursday, DAV headquarters executive director, Art Wilson, told the President that the DAV did not agree that recent Vietnamese actions justified lifting the embargo. Mr. Wilson added that much of the information and assistance Vietnam has provided in the past 6 months could have been and should have been provided nearly two decades ago.

We disagree with the President on lifting the embargo at this time. The DAV agrees with our commander and chief, however, that resolving the POW/MIA issue should remain our Nation's highest national priority.

Now that the embargo has been lifted, the DAV believes that the joint task force recently put in place should stay in tact so that we may continue to closely monitor Vietnam's level of cooperation. We also believe that the American public, 85 percent of whom do not believe Vietnam has been forthcoming on the POW/MIA issue, ac-

ording to a December, 1993 Associated Press poll, demands that our Nation continue to leave no stone unturned in the quest for the fullest possible accounting.

Mr. Chairman, the DAV also believes that our Nation must continue to seek the Vietnamese Government's full cooperation to improve Vietnam's horrendous human rights record. Just last month, for instance, a member of a humanitarian assistance group supported by the DAV and funded by the U.S. Agency for International Development were detained and harassed by overzealous Vietnamese police at the Hanoi airport. This group, whose trip was sanctioned by the Vietnamese Government, was in Vietnam to provide more than \$100,000 worth of prosthetic devices to needy Vietnamese war veterans, both from the North and the South.

Unfortunately, as the policeman ripped through the group's materials, some of the prosthetic devices were ruined, thus depriving a destitute war veteran of much needed assistance. This type of human rights abuses must not and cannot continue.

In summation, Mr. Chairman, the DAV believes that America has a sacred obligation to account for its servicemen and women who do not return from the fields of battle. We further believe that our Government must develop safeguards to ensure that our Nation never again places short-term economic and political agendas ahead of our Nation's longstanding moral obligation determine the fates of our POWs and MIAs. Thank you.

[The prepared statement of Mr. Schultz appears in the appendix.]

Mr. ACKERMAN. Thank you very much. Thank you for the wonderful work that you do. Mr. John Sommer.

**STATEMENT OF JOHN F. SOMMER, JR., EXECUTIVE DIRECTOR,
WASHINGTON OFFICE, THE AMERICAN LEGION**

Mr. SOMMER. Mr. Chairman, Mr. Gilman, the American Legion appreciates the fact that you have held this hearing today, and that you are concerned about and listening to the interests of the family members especially and of the veterans organizations who have been heavily involved in the POW/MIA issue. I would ask in consideration of the lateness of the hour that my full statement be incorporated into the record, and I would be happy to briefly summarize on a few important points that we have set forth in it.

Mr. ACKERMAN. We appreciate that. Without objection, your entire prepared statement is in the record.

Mr. SOMMER. Thank you, Mr. Chairman.

The American Legion's position on the POW/MIA issue is a comprehensive one, and the one relating to specifically the embargo on Vietnam is and was that the American Legion opposes the lifting of the embargo until the fullest possible accounting of our POWs and MIAs has been effected. We felt that the embargo was the only leverage that the U.S. Government had to get real cooperation from the Vietnamese. However, as we all know, now the embargo has been lifted and I would like to express some of our concerns that we have now and what we are looking at into the future.

We are concerned about the cooperation that the United States will get from Hanoi. We had great concerns about the—well, we felt to be overstatements of Vietnam's cooperation prior to lifting

the embargo because there were a number of members of the administration and members of Congress, particularly in the Senate, prior to the debate who talked about how great Vietnam's cooperation was. And we agree that Vietnam had begun cooperating to a greater extent in helping move the Joint Task Force Full Accounting investigators around and help them dig through dirt at the crash sites, but that we term as logistical cooperation for which the Vietnamese were being paid. They were not doing it out of the goodness of their heart. And it is not meaningful cooperation in the sense that, as has been stated by previous witnesses, the U.S. Government knows that Vietnam had a great deal of information on some of our missing servicemen who have not been accounted for yet. We have asked for that information from the Vietnamese and there has been no response forthcoming from them on these particular cases.

That is what we call increased cooperation. We feel that the lifting of the embargo is a disincentive for any further cooperation on the part of the Vietnamese Government. We are concerned about the commitment to the U.S. Government and whether or not they are going to stay the course in attempting to reach the fullest possible accounting of our POWs and MIAs.

And I might offer a definition, because we are asked many times to define what we mean by fullest possible accounting. And the American Legion's definition, and it has also been adopted by some other organizations and some members of Congress, is that the fullest possible accounting is the turning over of live prisoners, the expeditious repatriation of remains of those who were killed in action or who died in captivity, or a valid conclusive report by the Vietnamese as to why neither of the other two are possible.

We are concerned about Joint Task Force Full Accounting and whether they are going to continue to excavate crash sites or if they are going to investigate some other important leads, including live-sighting reports and information on prisoners being buried outside of prisons after the war. We are concerned about the Defense POW/MIA office, and whether they are going to continue to refute evidence on cases as they have for 20 years or to have a new set of eyes take an objective look at the intelligence.

There is a great deal of intelligence in the U.S. Government files that needs to be investigated. And this, of course, is now coming to light because of the fact that a great many of these records have been declassified and people can now see what is in the records who—those of us who were not able to see them before because of the fact that they were kept under wraps. So the answers are all not in Hanoi. There are a number of them that can be gotten by investigating incidents and leads that are contained in our own intelligence files.

I think the greatest travesty of this whole issue is the way that the families of the missing servicemen have been treated over the years by the U.S. Government. One of our Government witnesses even admitted that they had been jerked around. And I think there is no question that they had been jerked around in the past and many are continuing to be treated that way now, in that they attempt to get records pertaining to their loved ones and much of the material that they receive has been so heavily redacted that what

they do get makes no sense whatsoever. In addition to that, as you have heard from some of the previous witnesses, and we have worked with many, many families and we know that many times they are not given information that is known to exist in the files.

We are also concerned about human rights. As the members of the subcommittee know, people who live in Vietnam have no religious freedom. They have no freedom of speech. Our former allies, the ARVN soldiers, are treated like less than human beings. In the three trips that I have made in the last 3 years to Vietnam, I have made it a point to try to talk with some of our former allies on each occasion—on each occasion when we are in the South and they are not afforded the same rights that other citizens are in Vietnam, as meager as they are in such an autocratic society.

Human rights—I was in a television program earlier this week and the person who I was debating with, when I brought up Vietnam's despicable human rights record, said, "Oh, but the recent report has come out and it has improved so much over there." So, a member of our staff was able to secure a copy of the State Department's report on human rights. And if there is any slight improvements that are noted in the report, they have come from the Vietnamese people ignoring the government, rather than the government relaxing its hold on the country.

Then, we get to the question of what has been learned from the Vietnam POW/MIA experience. And if anything has been learned with respect to the situation in Vietnam, it is that it must not ever happen again. The American Legion has strongly recommended to the President and also to the Congress that the government immediately establish a national commission comprised of individuals, including representatives of the major veterans organizations, to ascertain in any future conflicts involving the U.S. Armed Forces that American POWs and MIAs are accounted for, treated properly and released from captivity at the earliest possible moment.

Also, today's member of the armed forces have no protection if captured by a hostile force. Therefore, the American Legion has recommended that the Executive and the Congress seek appropriate changes to international law on regulations relating to prisoners of war and missing in action in order to protect both current and future members of the U.S. military services who are captured while participating in peacekeeping and humanitarian operations. At the present time, they are not covered by the Geneva Conventions or any other international law.

A case in point is Warrant Officer Michael Durant, who was captured in Somalia in October, 1993, was listed as a detainee, rather a prisoner of war, and had no protection whatsoever. A similar and more tragic case was that of Marine Colonel Rich Higgins, who was captured by terrorists in Lebanon while serving as the United Nations observer and was executed in July of 1990.

The American Legion takes this issue very seriously and the protection of the members of our armed forces who are captured by hostile forces is of the utmost importance. Mr. Chairman, again, the American Legion appreciates your interest in this very important issue and will be happy to answer any questions that you might have.

[The prepared statement of Mr. Sommer appears in the appendix.]

Mr. ACKERMAN. Thank you very much. We appreciate the fine work that you are doing as well.

Mr. SOMMER. Thank you.

Mr. ACKERMAN. You make reference to Colonel Higgins. Just anecdotally, after his assassination, I had called for the first time exercise of what we call the Long Arm Statute. Having suspicion of who it was that had ordered his execution and that person having been incarcerated in some other country, I called for, at that time, his extradition to the United States.

And the article that appeared in the paper, which so stated my declaration, had a picture of myself along with that article, which placed me on the hit list at the time of the gentleman, who is now in prison in New York, who has been—who had been declared at that time to have acted on his own in a different assassination, and is now implicated with all of those who have been on trial for the blowing up of the World Trade Center. So, I understand exactly where it is that you are coming from and with whom we are dealing.

Mr. SOMMER. Well, we certainly appreciate the action that you have taken on that and it makes it even clearer that changes need to be made to protect our people once they are captured by a hostile force in a situation such as that.

Mr. ACKERMAN. Thank you. We turn next to Ms. Anne Mills Griffiths, and we welcome you and thank you as well for your fine work and your wonderful patience today.

STATEMENT OF ANNE MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Ms. GRIFFITHS. Well, thank you, Mr. Chairman and Mr. Gilman. I have been—keep trying to cut statements down, but I have provided actually two statements with the enclosures that I would like to—

Mr. ACKERMAN. All of the material that you have and wish to submit will be part of the permanent record.

Ms. GRIFFITHS. OK; good. Since the League was formed in 1970, we have worked through five successive administrations and now into the sixth. And as we have made public for years, we had two concerns: one was Vietnam; second was the United States.

From testimony in 1982, forward, we felt that the United States was beginning to be serious and increasingly so, so we were able to focus just on Vietnam. And now, we feel like we are basically back to square one; that we again have two concerns: both our own government and the Vietnamese Government.

That is a sad state of affairs. But, I think it was pointed out earlier what Vietnam is getting for this—what has been termed by one of our witnesses here today as absolutely superb cooperation: the massive subsidies for field activities, great PR from senior officials of our Government, an end to U.S. opposition to international funding with loans, a trade embargo lifted, and a political liaison office established or to be established, and all of this in the name of our

relatives without Vietnam having to address the core of the issue since it is not being negotiated for by our own government.

Long-term field operations were discussed nearly 10 years ago. At that time, they were visualized as operations to commence when Vietnam had begun to respond unilaterally and in substance to return remains and provide documents which impact on all of the issues, including our highest priority, which is, of course, the live prisoner issue. I heard when Ambassador Lord said today about the focus on remains, and I could only say that the League has always believed, and still does, and I was glad to see you say the same, Mr. Chairman, that there should be simultaneous action on all of these fronts and they are not mutually exclusive.

But the current administration has not only put the cart before the horse, they are using the cart, Joint Task Force Full Accounting, as the excuse for why the horse cannot walk. I mean, it is getting to be rather ridiculous the amount of activity, the amount of money, and in direct proportion, the decreased results that are coming in terms of real accountability. Although history will undoubtedly prove us correct, it is small solace that when everyone is calling for healing and reconciliation, this virtual cancer exists that is not going to go away. And Mr. Tho was right and others have been right, there is too much evidence in the hands of the U.S. Government concerning what Vietnam could rapidly do, which is being ignored or dismissed by senior officials with the task of misinforming the public and misinforming the President.

It is not a conspiracy and coverup, so to speak, at least in our view, in the League's view, and it is not shredding of documents, outrageous as that was. But, it—we who care about this issue are being painted as irrational. Armchair strategists talk about the need to improve relations with Vietnam as a counter to the PRC, but that is really only a Vietnamese hope and dream, and a wish to try to use us. There are others who have said that they are lifting the embargo for us, the families, that we do not know enough to know any better. And still others, we are just simply providing political cover for the President.

Some believe lifting the embargo will improve human rights in Vietnam, and I guess a legitimate debate could be held on that. I believe it is doubtful, however, if Hanoi does not even believe that our own government is serious in accounting for our own servicemen and civilians. We opposed formation of the Select Committee, because we knew that some would use that forum as a catharsis for their own purposes. When we saw that the committee was formed, we tried to urge that they focus on Vietnam's knowledge and ability to rapidly account for hundreds of Americans. If the League had been listened to, we probably would not now be seeing all the moves toward Vietnam, while our own intelligence and database is being ignored. There was really never any significant focus on the core, the accountability, which John Sommer just defined.

My brief comments were necessary, in my view, to make clear that rational people have been deceived. Congress and the American people need to know it. The families are not alone in this. You see who is with us here today. There are also former government officials, some still in the government, who agree with this.

In the February 4 Los Angeles Times, they carried a piece written by Richard Childress, who was for 8 years at the White House in the Reagan administration, and by Carl Ford, who was 4 years in the Bush administration, both with significant responsibility. I would like to quote one paragraph, but have included the whole article in my testimony. This quote, "Despite the administration's assertions, Hanoi's record of stonewalling and cynical manipulation for more than 20 years cannot be ignored. It is demonstrated in the thousands of formerly classified documents on file at the National Archives. One finds in these files that the cooperation forced on the Vietnamese in recent years, including their handing over internal documents and photographs, instead of clearing the record, demonstrates persuasively that they are still holding back evidence on hundreds of Americans."

At our 24th annual meeting, Robert McFarlane made a presentation, he addressed the group, and some of his comments—his comments were very warmly received. And I would like to quote one paragraph of that, and this was in July of 1993: "Today, your government is going through the final stages of a process begun roughly 18 months ago that before the end of this year"—and he was wrong on the date—"will lead to the normalization of relations with Vietnam. If you were to ask the administration if that were true, the response would be, 'No, the President has stated that he will not normalize relations without the fullest possible accounting of our POWs and MIA.' That will be a lie"—said Mr. McFarlane—"for the evidence is clear."

This plan was well executed by the administration. If they had used half of the policy effort to get us answers, I am convinced many of us, some here in this room, would not still be enduring the uncertainty that comes with having a loved one missing.

But now the embargo has been lifted, unfortunately in our view, but we hope we are wrong. We hope that the best and the brightest, or perhaps the dumbest, have stumbled onto a successful strategy. History says they are wrong. But since our own political leadership has not even read the history of negotiations on this issue with Vietnam, they might not even recognize the history if they saw it.

One thing is sure: if the administration wants this strategy to work, I believe they must do several things now and I will only mention a few. They need to read the negotiating record, first of all, including the admission by Vietnam that they were storing hundreds of remains. They need to read the three U.S. intelligence assessments from 1987 to 1992 on which the United States based a 10-year long effort. Briefing charts, some of these were put into briefing charts, even including specific numbers that were briefed to foreign government officials in an effort to get them to help us by weighing in with the Vietnamese.

Our Government needs to quit treating the issue like a domestic one and recognize that Vietnam depends on them, officials in our own government, to continue doing exactly what they are doing. They need to recognize that Vietnam knows that the United States knows what they can do unilaterally, and that Vietnam recognizes the United States is dismissing that evidence.

Forthrightly, they need to say now that if the current approach is really being pursued for all of us, that diplomatic relations, MFN and other steps will not be put on the table without unilateral Vietnamese actions on what our own government knows they can do. They also need to instruct all government officials to measure accounting results in terms of remains identified, only remains identified, instead of all of those fragments or otherwise that are turned over. That was never done, ever before in the history of this issue, until now. But now, the Clinton administration has done it in two colors, because it looked too bad to have only three under 1993. So, they put it in two colors, but then they distributed it to the press corps, a xerox copy from which you cannot tell the difference. That is a deliberate attempt to distort public perception.

But, we can count, all of us here, and we know there has only been 11 in the last 2 years from Vietnam, only three since President Clinton assumed office. These are statistics that you seldom hear. But just yesterday in the Senate for the first time, I heard extensive detailed discussion by Ed Ross, who is here today, about what those 67 really mean.

There are other steps that can be taken. And there is some information that you can keep secret, or quiet, or at least for a time, if there were serious negotiations with a serious strategy. But there is no negotiating strategy to resolve the core of this issue. And I have encountered more secretiveness in the Clinton administration than in any since I came here as executive director in 1978. We believe that is no accident. To claim that all of the government classified files have been released is also untrue. The two—the assessments that I referred to have not been released publicly, neither have the diplomatic exchanges been released publicly or the negotiating record.

But we have learned to suspect and fear definitions, including the definition of progress. We just heard, yesterday and today in Mr. Ross's testimony, that already DOD is redefining the President's stated criteria and changing those criteria. Definitions can be very important. Because when I met with the President just before the IFI decision, he assured me that if he decided to move on the IFIs, not one step forward—these are his words—not one step forward would be made to lift the embargo or normalize political relations without progress on POW/MIA. Again, the bureaucracy's definition of progress; it is very different from ours.

But with what we have gone through over the years, some of which you heard today, I think you can understand not only the frustration we feel with the lack of straightforwardness by our own government and certainly the lack of full cooperation, despite the statements of Admiral Larson, Ambassador Lord and others, but particularly Admiral Larson, the uniform military commander in chief of the Pacific, to state that Vietnam, in his view, is "Not holding anything back." Now, I know he either knows better and was ignoring it, or is ignorant of the facts. And he is a brilliant man who usually—certainly has a responsibility, if nothing else, to know the facts.

But now, you can understand, I think, why we are so concerned about the direction things are taking, and why we have such a lack

of trust and confidence in what we are hearing. Thank you, Mr. Chairman, and I am sorry I took so long.

[The prepared statement of Ms. Griffiths appears in the appendix.]

Mr. ACKERMAN. We are sorry it took so long to get to you. The Chair is going to apologize, but I, too, have to make a flight. We are not going to conclude this hearing. Mr. Gilman will take the Chair. But, if we can—can we do this? Can we hear for about a minute from Mr. Burch and a minute from Mr. Terzano, and essentially get the flavor of this. I will read every word and the staff will go over it. Mr. Gilman will be here. And then we will come back to both of you and Mr. Gilman will flush out some questions that we have.

Mr. BURCH. And our remarks will be fully put in as if we had given them, if we had read them—they will be fully put into the record? In other words, what we—the testimony—

Mr. ACKERMAN. We will put your entire statement in the record, and whatever you say is being recorded as you say it.

STATEMENT OF J. THOMAS BURCH, JR., PRESIDENT, NATIONAL VIETNAM VETERANS COALITION

Mr. BURCH. Mr. Chairman, taking advantage of a couple initial penultimate points. Without repeating the type of things that have already been said in the past, one of the tragedies of the timing of this lifting of the embargo was the effect that it was having on—we believe to have on a democracy movement that is taking place in Vietnam right now, some of which is not fully publicly reported.

In particular, there is an emerging reformist leader named Hoang Viet Cuong, who is the chairman of the Vietnamese National Coalition of Parties, who is a leading reformist leader. They have been a source of a lot of information for us of what is happening in Vietnam, including, I continue to believe, that men are being held captive against their will in Southeast Asia. Most recently we believe that the Vietnamese have moved these men to primarily Sam Nuehy Province in Laos. We know if they are in Laos, they are under the control of the Vietnamese army. That is what we believe. We feel like there are almost no men left in Vietnam today, at least that is my movement, the way we feel about it.

Now, according to these reformist leaders, that what was happening in Vietnam when the current prime minister, a Communist leader, did not get a full lifting of the embargo in September, that this greatly undercut his position and the reformers felt maybe this was time to change—make some changes in the government; and frankly, to come forward with the live POWs, which we are primarily interested in, and deal with the human rights problems. And this was actually emerging and at the time—being debated at the recent party Congress in January, which has been in the newspapers. And even the *Washington Times* picked up there was some type of reform movement going on, that the reformer seemed to be coming to power.

The lifting of the embargo greatly undercut the hand of the reformers to come to a ascendancy in that country. We believe that that reformist movement will come to power this spring, notwithstanding that. And I noted—might comment on your—I notice you

have a bill—a resolution. I favor that resolution, Mr. Chairman, as to, you know, the offices and the conditions. But, we would rather have the timing of that so that the reformist movement might be able to get credit for that, and that is what they needed with this embargo. So that is another thought.

Last thing, Mr. Chairman, the problem here is with the Defense Intelligence Agency and the Department of Defense, they have got over 500 people working on this, but they have only got a handful looking at these live-sighting reports. I went to a briefing yesterday, and they only planned in the next 4 months nine investigations. They have over 10,000 reports and 1,500 live sighting—first-hand reports they should be looking into now they have access to that country.

[The prepared statement of Mr. Burch appears in the appendix.]

Mr. ACKERMAN. We will hold their feet to the fire.

Mr. BURCH. If I could say one last thing, I ask this committee to look into the Laotian situation because usually your subpoena powers—

Mr. ACKERMAN. We will come back and keep you another 5 hours.

Mr. BURCH. I understand, Your Honor—excuse me, not Your Honor, I mean, Mr. Chairman. Excuse me.

Mr. ACKERMAN. That is OK. We do not want to cut you off—

Mr. BURCH. I know.

Mr. ACKERMAN [continuing]. and these microphones are going to remain open. I just want to just make sure that I am here for part of at least of what everybody has to say. And Mr. Gilman has generously agreed to stay all night if necessary. Is that what you said?

Mr. BURCH. Thank you, Mr. Chairman.

Mr. ACKERMAN. And I understand from staff that you, too, have a marvelous program that runs in Cambodia for prosthetic devices.

Mr. TERZANO. That is correct, which is run by Vietnam veterans, I may add.

STATEMENT OF JOHN F. TERZANO, PRESIDENT, VIETNAM VETERANS OF AMERICA FOUNDATION

Mr. TERZANO. I will be very brief with my oral statement.

Mr. Chairman, 1 week ago, in a very courageous and historic move, President Clinton, with the stroke of a pen, brought to an end 30 years of both armed and economic warfare between the United States and Vietnam. This hearing, Mr. Chairman, is focused primarily on the issue of MIAs and how it relates to U.S.-Vietnam relations.

Over the years, this issue has been virtually the only issue which has defined our relations with Vietnam, but is not the only issue which should do so. Fortunately, the President's decisions of last week opens not only a new door in U.S.-Vietnam relations, but to bring about the resolution of other compelling issues which have been held hostage for too long.

I believe, Mr. Chairman, that for too long in the United States, we have allowed our hearts and minds to remain captured by the war. An entire generation of American and Vietnamese children have grown up with little more than negative stereotypes of each other. Now, I believe we can begin the process to change those per-

ceptions. I touch in my written testimony, Mr. Chairman, on the issues of human rights, the MIAs, trade, claims issues, etc.

I would like to conclude very briefly by stating, once again, my firm conviction that the President's decision to lift the embargo was the right decision for our Nation. And I am very proud as a veteran of that war to have played a very small role in finally bringing an end to America's war with Vietnam. Now is the time, I believe, for healing, not only between the people of Vietnam and the people of the United States, but also between those of us in our country who have allowed the war to divide us still.

Mr. Chairman, I have spent the past 16 years of my professional life dealing with the consequences of that war, not only on our Nation's veterans, on our nation's psyche, but also on the people of Vietnam, Cambodia and Laos. And, Mr. Chairman, I can finally say, with a lot of conviction and with great pride, that I believe that there is a light at the end of the tunnel and it is peace. Thank you.

[The prepared statement of Mr. Terzano appears in the appendix.]

Mr. ACKERMAN. Thank you very much. We are going to continue with both of you and then the entire panel. But let me—let me just add my note here that this decision has now been made. Let us work together. Whatever we think of that decision, whether we are neutral on it, whether we think it was not the most appropriate, or whether we thought it was indeed the best way to meet our objectives, that what we do now is we join ranks together, find out how to leverage this decision for whatever it means to get the fullest possible accounting from the Vietnamese. And let us pledge on this committee, at least, that we are going to be working with you to get the truth from our own government as well.

And I want to thank you all for your patience and at this point, ask Mr. Gilman to please take the Chair.

Mr. GILMAN. Thank you, Mr. Chairman, and we wish you a safe trip.

I want to thank the panelists for your patience to stand by right till the end here. And we did cut you off, Mr. Burch, so why don't you proceed with your—the balance of the statement that you would like to pursue before us.

Mr. BURCH. Thank you, Congressman. I would like to just wrap up with something we would ask this committee to do, because you have the powers and the Senate Select Committee now does not have the powers because it is nonexistent any more.

There is some unfinished business. And even most recently in January in the *Washington Post*, the administration admitted that there were—there was a high probability that the Americans were being detained against their will in Laos. That was in the *Washington Post* the first week in January. And that is where we think they are. We think that they are being held not only by the—some of the warlord types from the Patho Lao, but also we feel like the Vietnamese moved most of who they have into the provinces of Laos. And so, we think that is the focal point.

We would ask that—

Mr. GILMAN. Let me interrupt you, Mr. Burch.

Mr. BURCH. I am sorry.

Mr. GILMAN. Do you have any specific information that that occurred?

Mr. BURCH. Yes, sir. As a matter of fact, I do. My two best sources for that are frankly the analysis that Congressman Henden has made—I am going to give you two of them—that is one of them. And we would—one of the things we would ask is this committee get his 1-hour briefing where he has put this information down after we got these reports. He put them on a cluster map and we can show you where we think we are after we got these DIA reports declassified.

Our second source of information is a submerging resistance leader—I mean reform leader—he is not a resistance leader, reform leader—Hoang Viet Cuong, who I talked to yesterday from Asia. And he tells me that these generals have admitted to him they are holding them in Vietnam—I mean, holding them in Laos. And I think that you would be able to confirm with—if you got the intelligence people here, that this fellow, Hoang Viet Cuong, who you hear me talking about is, in fact, a major reform leader and he is in a contest with Prime Minister Kiet for who is going to run this country right now.

He is certainly in a position to know by the people that he is having—there is a split in the Politburo right now going on over all of this, whether they should give us these people or not. We took a real stab when they lifted the embargo while this debate was going on. But, he has told me, and I believe him, and I have worked with him for 3½ years and that is part of the reason we get information. It makes us believe these people are still being held captive against their will.

Mr. GILMAN. Mr. Burch, was this information passed on to our DIA people?

Mr. BURCH. We do not trust the DIA whatsoever. The worst thing—the DIA knows, but they would rather use that to try to thwart the person that comes into power. They would rather work with the Communist people because that is a known quantity than a known leader coming to power. We actually think that Bob DeStadt over there has picked that information up and was actually undercutting the—at least the reformist leader thinks that Bob DeStadt over there was undercutting his position; let us put it that way. That is what he thinks.

Mr. GILMAN. Again, let me repeat my inquiry. Was the specific information that you have just related to the committee passed on to the DIA in any way?

Mr. BURCH. No, but I did pass it on to members of the National Security Council, with the President before he made his decision.

Mr. GILMAN. And who was that directed to?

Mr. BURCH. Congressman Gilman, I would be very pleased to give you that piece of information if we could be off the record, because I promised the official when I met with him and presented this information, and I am including a letter from the individual about it, that I would keep his name out of public a hearing. And I would be pleased to give it to you after this hearing.

Mr. GILMAN. And was that done in writing? Did you pass that on—

Mr. BURCH. I gave him a letter from that individual in writing where he asked the resistance leader—the reform leader asked to hold back the embargo for about 60 days so that reform movement could get the credit for it because they were coming to power. I gave him a letter which I was told it would be given to the President of the United States.

Mr. GILMAN. So that the reform movement could get the credit for lifting the embargo?

Mr. BURCH. Right. They were coming to power and they needed to give themselves—this was part of the package they felt that the reform movement could mobilize, could get the veterans community behind them. They could deal with the POW issue to our satisfaction. I think they would have dealt with it to our satisfaction. And they were coming to power and they wanted the Communist regime not to get credit for lifting the embargo, who wants to stay in power. And it is a power play going on. Right in the middle of this power play, the President lifts the embargo.

Mr. TERZANO. Mr. Chairman, if I may.

Mr. GILMAN. Yes.

Mr. TERZANO. I got to speak up. There has been a number of people that have worked this issue for a lot of years. And there have been a number who have done it very responsibly, who I have tremendous respect for, who I disagree with in most instances in terms of their conclusions.

But, you know, I get tired, as a Vietnam veteran, as one who has worked this issue, as one who has worked to try to bring about reconciliation, of people bringing up once again baseless claims, baseless accusations and refuse—outright—refuse to give the information when you, this committee, other committees and other reputable people have asked them for the information. And I get tired of them saying that this stuff is absolutely true, when it just is not. If you got the information, then put it on the table so everybody can take a look at it.

Mr. BURCH. I do not mind giving you the letter that I got from this individual that was delivered to the President.

Mr. GILMAN. Would you mind if we made that part of the record?

Mr. BURCH. No, I do not.

Mr. GILMAN. All right. Do you have the letter with you?

Mr. BURCH. I do not have it now. I will get it to you, Mr. Chairman.

Mr. GILMAN. You will submit it——

Mr. BURCH. The letter is to me signed by that individual, and it was transmitted to this National Security person. He is on the National Security Council. You will know him. I will give you his name.

Mr. GILMAN. And who wrote the letter?

Mr. BURCH. Hoang Viet Cuong, the person that we believe will be the next prime minister of Vietnam.

Mr. GILMAN. All right. Without objection, we will make that part of the record at this point in the record when you submit the letter. Thank you.

[The information appears in the appendix.]

Mr. GILMAN. Did you want to continue with any further information, Mr. Burch?

Mr. BURCH. That was my point. I would like this committee to further explore the situation in Laos since you have the subpoena powers to do so.

Mr. GILMAN. Well, I am sure that we will give—make certain the letter is looked at properly. Have all of the panelists now presented their full statement? Let me ask you—

Mr. SCHULTZ. Woodcock, we have said enough.

Mr. GILMAN. All right. During the course of the hearings today, and I am just sorry I had to run in and out because of the floor work and our other committee work, it was suggested that maybe what we need now is a commission, and I hate like the devil talking about new agencies, and new committees and new commissions. But what are your thoughts? Do you think a commission can pursue this avenue further, since we do not have any official body outside of the governmental agencies to pursue, do you think a commission consisting possibly of partially members of Congress and some independent people outside of the government realm might be appropriate to further pursue the issue? And I welcome all the panelists.

Mr. Schultz, what are your thoughts about it?

Mr. SCHULTZ. Well, Mr. Gilman, the DAV several years ago felt that we should have some sort of Presidential commission to look into that. That was at the time when they established the Select Committee in the Senate. We still—

Mr. GILMAN. You recall where you had a commission. I think it was the Woodcock Commission, was it not? Was that not a Presidential commission? I think Ms. Griffith worked with them for a while, if I am not mistaken. But go ahead, Mr. Schultz.

Mr. SCHULTZ. Well, just to briefly say, I believe that we certainly would support another commission to take a look at this out of the White House.

Mr. GILMAN. Mr. Sommer, how does the Legion feel about that?

Mr. SOMMER. Mr. Chairman, the American Legion has as part of its comprehensive policy resolution on this issue a recommendation that such a commission be established and that it include representatives of the veteran community, as well as other people who are well-versed in this issue.

Mr. GILMAN. And you think some good could come out of that?

Mr. SOMMER. Yes, we do, sir.

Mr. GILMAN. All right. Ms. Griffith.

Ms. GRIFFITHS. Well, I think—

Mr. GILMAN. How do the families feel about this?

Ms. GRIFFITHS. We have a—the last time this was considered, of course, you know from your long history with us, we have gone through Presidential commissions, Select Committees, more Presidential emissaries, more Select Committee proposals. The last one was that Ross Perot lead a Presidential or a special commission. Our Board voted that down unanimously.

Mr. GILMAN. Was that recently?

Ms. GRIFFITHS. Yes, that was in September, I believe, of this—of last year. But, really, it would have to depend on the charter and the people on it. And the reason why is there is no committee or commission comprised of Americans who can actually give us the

answers. Those are still going to be held by the Vietnamese, the Laos or the Cambodians; mostly the Vietnamese.

So, we have too often seen that a committee will say they are going—they are going to determine once and for all if anybody is alive. Well, you cannot determine that once and for all unless you know everything the Vietnamese and Laos know. So this is what concerns us. But invariably, that is the focus they get away from, just as the Select Committee did, the core problem of keeping the pressure on the Vietnamese to provide answers, including 85 percent of the cases in Laos and almost all of the last known live discrepancies in Laos. So, it will be another decision if the proposal came up.

And, you know, I could sure bring it to the Board and ask them to consider it again, if there is a serious effort to establish one.

Mr. GILMAN. My thought is that once we have lifted the trade embargo now, the main concern that all we will have is oversight to make certain that Vietnam is going to be cooperative and do what should be done and who—

Ms. GRIFFITHS. What we would like to see is—I mean, you served as chairman of the House Task Force on POW/MIA for a long time. We had urged earlier that a bipartisan task force of interested Senators and House Members—it does not have to be all House—but interested who would serve that purpose and have a committee structure through which they could work. Because, they certainly need oversight; absolutely need oversight on this issue.

Mr. GILMAN. I am inclined to think that the administration might welcome some vehicle of that nature, the Senate Select Committee having just concluded its work; previous to that, the House Select Committee having completed its work now. Maybe what we need is a new commission to do oversight.

Well, let me ask, Mr. Burch, what are your thoughts about that?

Mr. BURCH. Well, I am—I have to say that I would like to have that work continued on. And I agree with Ms. Griffith, as the first critical thing is who is going to make—you know, be on the committee. You have got to have the people that you have confidence. If you do not have confidence in the people they put on there, we are not going to accept the result.

The second thing is whatever commission or committee is set up, must have subpoena power. If it does not have subpoena power, it cannot do anything; and I mean, enforceable subpoena power.

Mr. GILMAN. Thank you. Mr. Terzano.

Mr. TERZANO. Mr. Chairman, as you said, there have been Presidential commissions. We have had a Senate Select Committee which did an exhaustive study. The House has had its own task force, as has been noted. You know, I think people have to take a step back. As Mr. Ackerman said, the President made a decision last week. We now have a new policy in place. And in 1 week's time—you know, we have got to give this new policy a chance.

There has been a lot of criticism of the President's decision. There is a lot of disagreement. That is people's right to do so. But at least give this thing a chance. Let's let this process move forward. Let us see if the Vietnamese will remain committed to this process. I think that too much money and too much attention has been given in the past to commissions, let us let this process work.

Mr. GILMAN. Well, I do not think any of us are thinking about interrupting that procedure, the process. I think what we want to do is just what you are talking about, to make certain it does work—

Mr. TERZANO. Well, there is—

Mr. GILMAN [continuing]. and to keep an eye on whether it is working.

Mr. TERZANO. You have this subcommittee here. You already have the authority to provide oversight on this issue. The same thing with the Senate and its subcommittee on East Asia and Pacific Affairs. And with the commitment of people like yourself and Mr. Ackerman, you know, I do not see how any Presidential commission or anything else that can be established is going to do any more—provide any more oversight than what you people already have and I am sure will continue to provide.

Ms. GRIFFITHS. If I could just add—

Mr. GILMAN. Mr. Terzano, excuse me a moment if I might, the problem with just leaving it up to subcommittees, and while they are effective, all of our subcommittees have so many issues before them that they cannot concentrate solely on one issue; whereas a commission can spend its time, and concentrate on the issue, and undertake some expeditions and missions overseas, and garner as much information as possible. Subcommittees will look at an issue from time to time, but do not concentrate, for example, like the Select Committee did in years gone by, and even they were not able to concentrate and give their full attention to all of this.

So, I am thinking, and I am thinking out loud with you, that maybe a commission might be the best way to ensure future oversight on the future—our future relations with Vietnam, with Laos, with Cambodia with regard to the issue. I interrupted you, Ms.—

Ms. GRIFFITHS. No, I was just going to say that I certainly agree with one thing, and I agree really with a lot of things that have been said here, but there needs to be a very definite ability to closely monitor. With the distortions that we have seen, and I think Mr. Sommer referred to them, we have seen them from General Needham, we have seen them from a whole spate, a very well orchestrated plan here to commend where it was not due.

Quite frankly, I think I could have lived with it better as a different approach if the President simply announced that he thought this would be better and that he is disappointed with the results so far, and had been honest enough to say that, rather than really trying to manufacture cooperation that did not even meet his own criteria. So, I think there needs to be monitoring and providing there were people that had, you know, knowledge, integrity and credibility on the issue, I—you know, there would be a different set of circumstances now, say, than there was before when the Board considered it at that time.

Mr. GILMAN. Any other comment by the panelists?

[No response]

Mr. GILMAN. Let me ask this question: Are the families still being advised from time to time when any additional information comes forth affecting the family?

Ms. GRIFFITHS. Well, the Defense Department is proud of saying on JTFFA's behalf that there have been thousands of reports—I

think it was 5,600 in the latest testimony—provided to the families within the last year and the families do welcome all information. But, I think it is important, and they do not point out, that in almost every case, it is simply that they have been out and they have looked, or they have visited, or they surveyed or whatever, and the case—the report comes back and recommends that the case go into a “pending category.” They do not say pending what.

And we were there when Carl Ford explained what pending means—that after careful review, after every investigation, and he wanted to make sure every case was investigated, that the outcome of that initial investigation would say, “pending unilateral repatriation remains by Vietnam” or “pending unilateral provision of records” or “pending further investigation.” We are getting lots of volumes of reports. They just do not say anything. And as they put it in JTFFA, their purpose and their plan was to “roll through Vietnam.” We do not need rolling through by even hardworking, dedicated people out in the field. They are risking ill health and all sorts of things.

But, we need experienced, capable, surgical and professional case-by-case kinds of interview investigations and then, where warranted, excavations. But in Vietnam, most everything in the country that was to be excavated, other than in very remote areas, has already been excavated and recovered, unlike Laos or Cambodia. So, it is—you know, I get—I am not interested in hearing about, talking about 500 people. Well, I would rather have 25 skilled, experienced, committed, language capable experts, than 350 people who do not have the knowledge to be able to deal with the Communist cadre with whom they are dealing.

I mean, those people go back clear—they have total continuity in their government, and you know how many times I have been there. Even in their Vietnam Office for Seeking Missing Persons, there has been consistency all the way through. And these are people that were in Paris, some of them.

Mr. GILMAN. How many times have you been to Vietnam, Ms. Griffith?

Ms. GRIFFITHS. We just figured that out: 12; 12, yes.

Mr. GILMAN. And you went over with a couple of the commissions, as I recall.

Ms. GRIFFITHS. I went on all of the official delegations that were policy level from 1982 to 1992. In 1982, went with the League solo delegation, which sort of broke things open a little bit in Vietnam and Laos. But right now, we are—actually, we are planning and have requested a trip to Vietnam, both governments, Vietnam and the United States, have urged to families to go and look for themselves. So the Board voted that the League should again send a delegation—send a delegation, which we did not do while we were supportive of the government-to-government process, mainly while we were getting answers; we were getting accountability. We are not getting accountability now.

So the Board voted that we should send a delegation. I notified the White House on—let us see—Monday after the Board made the decision, which would have been January 31, before the embargo was lifted; made the request to the Vietnamese on February 1. Unfortunately, we have not yet heard anything back, but the Presi-

dent went ahead and lifted the embargo. So, I think that Vietnam's response in this case may be—and our own government's facilitation, may be an initial indication of the seriousness of both governments.

Mr. GILMAN. Mr. Terzano, do you say the Vietnam veterans have been sponsoring a humanitarian effort in Cambodia, did you mention that?

Mr. TERZANO. Well, my organization specifically, Mr. Chairman, has a prosthetics clinic in Cambodia, which is run by Vietnam veterans, where we are manufacturing limbs and wheelchairs, and also training Cambodians. Thousands of Vietnam veterans have traveled back to Vietnam over the last decade; many have begun their own philanthropic and humanitarian efforts. As was noted at the outset of this panel, the Disabled American Veterans and the American Legion have helped sponsor a Vietnamese Assistance—what is the organization called, John?

Mr. SCHULTZ. Vietnam—

Mr. TERZANO. Vietnamese Assistance for the Handicap, and they have been providing support for prosthetics in Vietnam. My organization is looking to open up a—hopefully an orthotics program in Vietnam in the next several months.

Mr. GILMAN. Mr. Terzano, with relation to your work in Cambodia, have you had an opportunity to discuss our MIA/POW issue with any Cambodian officials? I think we have gotten very little information from the Government of Cambodian, whatever government it may be at the moment.

Mr. TERZANO. When we first traveled to Cambodia back in 1984, we had discussed that issue with then Prime Minister Hun Sen. Since we have opened up our clinic in 1991, there has been a U.S. presence—government presence in Phnom Penh. And we have been firm believers that as long as there is a government-to-government process going on, that it is best for them to deal with that. And Charles Twining, who is now the Ambassador to Cambodia, has been dealing with it. And I cannot remember when the MIA team went in there officially.

Ms. GRIFFITHS. I can. On Cambodia, they will shortly have investigated, at least one time, the 39 incidents involving 78 unaccounted for Americans. The Hun Sen Government, prior to the new government, was increasingly cooperative, particularly as the U.N. presence came in. They have allowed U.S. helicopters to be flown around the country transporting our teams. They have been fully cooperative. The current government is.

It is hard to find things in Cambodia due to the—you know, there is not heavy population; they are mostly in areas that were controlled by the Vietnamese. Ninety percent of the cases—90 percent of the 78 were in areas controlled by Vietnam, so Vietnam would have records or eyewitnesses. But the Cambodians, themselves, have tried in every way to facilitate these investigations.

My concern is that once JTFFA has visited or surveyed or whatever, investigated, that they will decide they have rolled through and leave. And they have already made noises about leaving; that they have—you know, that they have been there and they have done it. There are many more things that they need to do.

Mr. GILMAN. I have been informed that there are a few sites that are controlled by the Khmer Rouge and there has been a problem of getting into those sites. Mr. Terzano, how many patients have benefited from your project in Cambodia?

Mr. TERZANO. To date, Mr. Chairman, in the just over 2 years which we have been operating, there has been close to 2,000 patients which have received limbs and wheelchairs. And unfortunately, we are seeing right now on an average of 120 to 150 new patients come into the clinic every month.

As I am sure you are aware, one of the main problems in Cambodia is the problem of land mines. There is an estimated 6 million to 10 million land mines still on the ground in Cambodia, and they are still wounding and maiming and killing people on a daily basis; one of the most horrendous things that I have ever seen. In fact, Cambodia has been labeled proportionately the most disabled society in the world.

Mr. GILMAN. And who are the physicians who help you with your project? Are they Americans physicians?

Mr. TERZANO. We have Cambodian doctors who work with us. Our technicians are from India. The type of prosthesis that we use was developed in Jaipur, India. We have brought over Indian technicians to help train the Cambodians. The program, itself, was set up by two Vietnam veterans, both double amputees, and one of them, himself, a prosthetist.

Mr. GILMAN. I want to commend you for your effort.

Mr. TERZANO. Thank you.

Mr. GILMAN. And you say the American Legion is involved also in this effort?

Mr. TERZANO. No, they are involved in Vietnam.

Mr. SOMMER. The American Legion is in support of a program called Vietnam Assistance for the Handicap, which is run out of McClean, Virginia. But, it has two clinics in Vietnam, in the South. About 70 percent of those individuals who are helped with prostheses are former ARVN soldiers.

Mr. GILMAN. Again, I commend the Legion for its efforts. Well, I think we have overstayed our welcome here in the Foreign Affairs Committee. I think our staff people are getting a little hungry out there. And I want to thank you for your patience and for giving us the benefit of your thinking.

I still think we should be taking a good hard look at the possibility of having a commission, and we will explore that. I do not think we should allow this to go unattended. And that is not, Mr. Terzano, to interfere with any of the good that may come out of what has been accomplished by lifting the embargo, even though I may have some criticism of that. We certainly want it to be beneficial. But, I do think we—it does need some oversight, more oversight than maybe a subcommittee can render from time to time by having a steady look at this whole process. And God knows there are enough things that have to be pursued, enough evidentiary material and enough questions out there that should be fully pursued.

Again, we thank you, panelists, and the hearing will stand adjourned.

[Whereupon, at 7:14 p.m., the subcommittee was adjourned.]

APPENDIX

TESTIMONY OF ROBERT G. TORRICELLI

HOUSE FOREIGN AFFAIRS SUBCOMMITTEE

ON ASIA AND PACIFIC

2/10/1994

Thank you Chairman Ackerman for holding this hearing and affording me the opportunity to testify. The issue of missing US service personnel is one that cannot be allowed to go away now that President Clinton has lifted the embargo. It is now even more imperative that we step up our efforts to aggressively pursue all possible means to pressure Hanoi to resolve any and all outstanding cases of missing servicemen. I am hopeful this hearing will assist us in finding ways we can continue to pressure the Vietnamese now that the embargo has been lifted.

With the lifting of the embargo, it is only a matter of time before a full normalization of relations with Vietnam will occur. It is my hope that the President will proceed with extreme caution to the next level of recognition. In addition to a greater display of cooperation by Hanoi on the POW/MIA issue, I also feel that there are other outstanding issues which must be resolved before we can normalize relations with Vietnam.

I am here today to not only give my full continued support to the families of POW/MIA's in their quest for a full accounting of their loved ones, but also to speak for the many American citizens who possess legitimate claims against the government of Vietnam for property that was seized without compensation.

After the fall of Saigon in 1975, the Vietnam government expropriated all American property and never compensated the victims of this confiscation in a clear violation of international law. These assets included real estate interests of both corporations and individuals, personal property, bank account balances, and natural resource concessions. Many of these claimants remained in Vietnam at the specific request of the U.S. government. Not only did the U.S. government originally encourage investment into South Vietnam, it also urged these investors to stay on longer than many would have liked.

The Foreign Claims Settlement Commission, which was established within the Department of Justice to adjudicate the claims of U.S. nationals against foreign countries, has examined the question of Vietnam claims. Starting in 1980, the Commission took six years to painstakingly receive testimony and conduct hearings to determine the validity of these claims. After hearing 534 claims, only 192 were found to meet the extensive evidence requirements of the commission. These awards had an aggregate total principal value of almost \$100 million. The Commission allows for 6% simple interest bringing the modern day total to over

\$200 million. These claims are legally valid and recognized by the United States government.

Fortunately, the United States controls the means to achieve an equitable settlement to these claims. In 1975, the Office of Foreign Assets Control issued regulations, pursuant to the Trading with the Enemy Act, that froze all assets of the South Vietnam government in U.S. financial institutions. According to a 1983 OFAC survey, the total value of these blocked assets at the time exceeded \$150 million. It is reasonable to assume that the aggregate amount of blocked assets is now at least \$200 million. Whatever the exact amount of the claims and blocked assets, it is clear that there are more than enough funds to cover the full amount of the claims. I believe this is the first time in history where this is the case.

At the same time, I am urging the Administration to take prompt action on these claims, I would also urge it to refrain from negotiating these claims in conjunction with the United States government's own set of claims against the Vietnamese government. The dollar amount of government claims is unknown and to jointly pursue the claims would greatly jeopardize the satisfactory resolution of individual claims and would be contrary to State Department precedent.

The historical practice has been to negotiate the public and private claims separately. In fact, a 1980 GAO report that urged Vietnam claims to be jointly pursued was strongly opposed by the State Department. In fact the State Department reported that "Adoption of the GAO recommendation would make it extraordinarily difficult in many cases to conclude settlements of private claims on terms acceptable to the claimants and the Congress".

I would also urge the Administration to seek the full value of the claims of private citizens. Historically, the Department has weighed several factors, including the strategic importance of reaching an agreement with the country, the morality of obtaining justice for U.S. citizens, and the availability of funds to satisfy the claims to determine the percentage of claims settlement. In the present case with Vietnam there would appear to be no legitimate reason why the Department would accept a figure that is less than the total principal and interest of the awards. There exist sufficient funds to satisfy the claims, the claims of the U.S. citizens have been adjudicated, and there is no strategic importance to justify accepting a lower settlement.

The U.S. government is the sole representative of our citizens' claims and has an obligation to them to reach the fairest possible settlement. These citizens have no legal recourse outside of the government's action. I urge the Clinton Administration to be as responsive to these citizens as they were to the government twenty years ago. We must forcefully assert the right of American claimants to full compensation.

The Clinton Administration has argued that the Vietnamese have been sufficiently forthcoming with information about our missing servicemen to justify a lifting of the trade embargo. We must demand that they also be cooperative with respect to compensating the Americans whose assets they seized. Until they are so forthcoming, we cannot consider a full normalization of relations.

STATEMENT OF
 William E. LeGro
 2018 Maleady Drive
 Herndon VA 22070

Concerning POW/MIA affairs before the Subcommittee on East Asia and Pacific Affairs,
 Foreign Affairs Committee, United States Congress, 10 February 1994.

My credentials to address the POW/MIA issue are as follows:

- o From April until the end of December, 1993, special assistant to Major General Bernard Loeffke, the director, *Task Force Russia*. The Department of the Army organized *Task Force Russia* to support the U.S. side of the *U.S.- Russia Joint Commission on POW/MIA Affairs*. This task force searched for evidence and analyzed information concerning American POWs who may have been taken into the former U.S.S.R. following World War II, from the Korean theater of war, from the Indochina War, or taken captive during Cold War incidents. (The task force was reorganized, General Loeffke retired, and my position was eliminated.)
- o During February and March, 1993, was engaged by The American Legion to analyze, summarize, and write a report on the final *Report, Select Committee on POW/MIA Affairs, United States Senate*.
- o From February 1992 until January 1993, was an investigator on the staff of the Senate Select Committee on POW/MIA Affairs. Was a member of the team that concentrated on "live sightings" and later prepared the hearings on World War II, Korea, and the Cold War. Selected the sites for "live sighting investigations" for the committee chairman during the November 1992 visit to Vietnam and independently conducted an investigation that ranged from Saigon to Pleiku.
- o As a private citizen, followed POW/MIA matters closely from 1986 and became associated with POW affairs researchers, authors, organizations, family members, and interested congressmen. For example, in 1987 consulted with Congressman Frank McCloskey (Indiana) on a strategy for dealing with the POW issue. As a consequence, Mr. McCloskey introduced a resolution recommending removing the POW/MIA matter from the Defense Department, assigning the responsibility to the Department of State and placing it at the highest level.
- o From 1975 until 1977, wrote, for the U.S. Army Center of Military History, *Vietnam from Cease-fire to Capitulation*. This book is widely regarded as the definitive military history of this period of the war.

o Returned to Vietnam in 1972 and served as director of training, the U.S. Army Advisory Group until ordered to organize and head the intelligence branch, Defense Attache' Office, Saigon. Performed this duty, and the additional duty of chief, operations, plans and training, until the evacuation of Saigon, 29 April 1975. These assignments enabled me to travel widely throughout South Vietnam and I became familiar with the terrain and military situation in most of the provinces. As chief of intelligence was the senior American military intelligence official in Vietnam, and I processed a number of reports of American POWs still in captivity in the South.

o Following graduation from the U.S. Army War College, was assigned to the faculty as director of Asian and Pacific Studies. This enabled me to maintain my interest in the history, politics and military affairs of the region.

o For one year, during heavy combat with enemy main forces during 1966 and 1967, was G2 (principal intelligence staff officer) in the 1st Infantry Division, *The Big Red One*.

o Was assigned to the *The Big Red One* following duty on The Army Staff as desk officer for Indochina in the international plans and policy directorate, plans division, office of the deputy chief of staff for plans and operations (DCSOPS). In this assignment I handled all JCS actions involving the war in Indochina for the U.S. Army Chief of Staff.

o Sent by the Army to earn a master's degree at The American University in Washington D. C. in 1963. International relations studies centered on international law and the history, culture and politics of southern and Southeast Asia. Thus began my special interest in Vietnam and the rest of Indochina.

Relations between the United States and the Socialist Republic of Vietnam (SRV) are rapidly improving. The process toward normalization of relations between the two former enemies was dependent upon Vietnam's cooperation in accounting for hundreds of Americans who became missing during the course of the Indochina War and whose fates are unknown. All officials of the U.S. Departments of State and Defense whose responsibilities included the POW/MIA question testified that the SRV has cooperated to the fullest extent possible and that normalization should proceed with the lifting of the trade embargo. The president has accepted this advice and the embargo has been removed.

Unfortunately, indeed tragically, the facts of the situation do not fit the rationale for the conclusion. The fact is that the SRV, which then called itself the *Democratic Republic of Vietnam (DRV)*, as a matter of policy, kept hundreds of American POWs in separate facilities, out of communication with the POWs released in 1973. There is a large and solid body of evidence to support this conclusion. Without question, many if not most of these Americans perished during their captivity, but some may survive to this day. For the United States to lift

the embargo is one thing, and this act may have been completely justified on economic, political or humanitarian grounds, but to move rapidly toward the normalization of relations as a reward for Vietnamese "cooperation" and, in the process, abandon the missing American warriors and the hopes of their families is unconscionable.

Stated as briefly as possible, my view of the background of the Indochina POW/MIA situation is as follows:

During February and March, 1973, in operation *Homecoming*, the DRV released to United States' control 591 American POWs. This number included men held in the DRjiv prison system in and near Hanoi, a few released by the *National Liberation Front (Viet Cong)* at Loc Ninh in the south, and nine men who had been captured by North Vietnamese forces in Laos. The total also included a few civilians. All American officials concerned with the matter, civilian as well as military, had expected a far greater number to be released. Serious consideration was given to suspending the American withdrawal from South Vietnam until an acceptable accounting was produced by the Communists, but this action was swiftly aborted. The U.S. national policy became, "They are all home." This is the policy that has influenced all the official analyses of the hundreds of reports of Americans sighted in captivity throughout Indochina after the conclusion of *Homecoming*. It is this policy that gave rise to the "mind-set to debunk" cited in official criticisms of the flawed analyses of POW reports conducted by the Defense Intelligence Agency. This policy influenced the evaluation of all kinds of intelligence reports on POWs--communications intercepts, satellite photography, documentary evidence (such as the recently exposed Russian documents), and the testimony (often under polygraph) of hundreds of Vietnamese refugees, ex-officials, ex-officers, and even ex-Communist officials and third-country nationals. Our government insisted that those who had not come home were dead, and it declared them to be so in presumptive findings of death. Meanwhile, the United States imposed a trade embargo on Vietnam, and refused to engage in discussions toward normalization until the Vietnamese came forth with a "full accounting" of our MIAs. The "full accounting" demanded of the Vietnamese discounted entirely the possibility that POWs remained alive in captivity after *Homecoming*. It meant only, "tell us where the bodies are."

This brings us to the current situation which I describe as follows:

The United States deployed to Vietnam *Task Force Full Accounting (TFFA)*. For two years this military unit has conducted field investigations of airplane crash sites and suspected American grave locations throughout Vietnam, Laos and Cambodia. It has succeeded in recovering some fragments of remains which it transferred to the *U.S. Army Central Identification Laboratory* in Honolulu for identification. Despite truly heroic efforts under the

most trying conditions in remote, extremely difficult terrain and weather, *TFFA* has resolved only a few cases. Another Defense Department entity has investigated "live sightings", the term attached to reports of Americans seen in various degrees of control or captivity throughout Indochina after *Homecoming*. The validity of these "live sighting" investigations is questionable because most were conducted months and years after the sighting, were undertaken following advanced notification of the Vietnamese authorities, and in the company of Vietnamese security officials.

In June, 1992, the Senate Select Committee on POW/MIA Affairs (SSC) identified 244 Americans who were last *known to be alive* in enemy hands. None of these was returned to American control and the Vietnamese have offered no conclusive or reliable information on what happened to many of them. Moreover, the number of Americans who became missing in circumstances in which they could have survived the incident is far larger than this. SSC investigators examined hundreds of "live sighting" reports and concluded that, viewed in its totality, this body of reporting clearly indicated concentrations of Americans in captivity after *Homecoming* in a number of locations in North Vietnam, Laos, and South Vietnam, and remote from the prisons from which POWs returned. Important aspects of this human intelligence on "live sightings" have been reliably corroborated by overhead photography and communications intelligence, leaving no reasonable doubt that American POWs remained in captivity in Vietnam and Laos long after *Homecoming*. Furthermore, two documents recovered from Russian archives attest to the North Vietnamese *policy* of retaining substantial numbers of POWs as "security". The authenticity of the information in these documents is buttressed by testimony of ex-Communist officials. Efforts by the Defense Department's POW/MIA office to debunk these documents are conspicuously unconvincing, but demonstrate that the "mind-set to debunk" is alive and well.

William E. LeGro
Colonel (Retired)
U. S. Army

General Military Experience

An infantry soldier and officer for over 30 years, commanding infantry units and serving as a staff officer for plans, operations, training and intelligence. A rifleman and machine-gunner in combat, an infantry platoon, company and battalion commander, and a battalion and division operations and intelligence officer. Served on national and theater-level staffs, as an instructor in a service school, and on the faculty of the Army War College.

Positions of significant responsibility included:

Chief of the Operations, Plans and Training Division, Defense Attache' Office, Saigon, and concurrently Chief of the Intelligence Branch. Was the senior U.S. military intelligence officer in Vietnam for over two years and, at the same time, was responsible for U.S. support of training of the Vietnamese Armed Forces, and for reporting on their activities. Was also responsible for planning within the U.S. military mission in Vietnam, which included the final American evacuation of Vietnam.

Director of Intelligence, then Director of Operations, Plans and Training, U.S. Army, Alaska. Responsible for all Army intelligence activities, and later for all operations, planning and training of U.S. Army forces in Alaska.

Commander of a Regular Army mechanized infantry battalion.

During a year of combat against Viet Cong and North Vietnamese Army main forces in Vietnam, was the intelligence staff officer (Assistant Chief of Staff, G2) of the 1st Infantry Division (*The Big Red One*).

Principal staff officer for Indochina affairs, International Plans and Policy Directorate in the office of the Deputy Chief of Staff for Operations and Plans, The Army Staff, during the critical period of the deployment and initial engagement of major U.S. forces in Vietnam.

Author

Author of *Vietnam from Cease-Fire to Capitulation*, U.S. Army Center of Military History, recognized as the definitive military history of the final years of the war. Also author of numerous articles and reviews for professional journals and magazines and editor of a series of monographs on the Indochina War written by Vietnamese and Laotian officers for the Center of Military History.

Analyst, Writer, and Program Manager

As analyst and program manager, conducted research and wrote studies for government agencies on special operations history, concepts, doctrine and supporting intelligence requirements. Originated scenarios for employment of hostile as well as friendly special operations forces and terrorists in low intensity conflict and conditions short of war. Reviewed special operations scenarios to validate the operational concepts depicted.

As an investigator for the U.S. Senate Select Committee on POW/MIA Affairs, analyzed, collated, and evaluated intelligence materials, prepared memoranda, and assisted in the preparation of presentations, hearings and reports. Responsible for preparation of hearings and the committee report on Korean War, Cold War, and World War II. Conducted independent on-site investigation of live-sighting report in Vietnam.

Education

University of California, Berkeley: *AB, Political Science*

The American University, Washington, D.C.: *MA, International Relations*

U.S. Army War College, Carlisle Barracks, Pa.: *Graduate*

U.S. Army Command and General Staff College, Fort Leavenworth, Kan.: *Graduate*

Chronology of Employment

1993	Task Force Russia, Department of the Army: Special Assistant to the Director.
1992-93	Senate Select Committee, POW/MIA: Investigator.
1990-91	RDR Inc., Fairfax Va. : Program Manager, Studies.
1988-89	Electrospace Inc., McLean Va.: Senior Operations Analyst.
1979-88	Free-lance writer; tubist, Port Angeles Symphony Orchestra and Olympic Brass Quintet.
1977-79	General Research Corp., McLean Va.: Consultant, editor, Indochina Project.
1943-77	U.S. Army: Enlisted February 1943; discharged December 1945 as infantry staff sergeant in machine guns and reconnaissance. Enlisted reserve and civilian employment until commissioned, 2nd Lt., Infantry, and called to active duty May 1949. Retired 31 December 1976.

William E. LeGro, 2018 Maleady Drive, Herndon, VA 22070. (703) 437-6435

STATEMENT OF CAROL HRDLICKA

I am here today to address the case of Col. David L. Hrdlicka who is a known captive and yet was never returned. When we asked questions we were labeled as emotional, distraught and unreasonable... and in return we have been lied to, deceived and manipulated. In our search for answers I have gone to Russia and back to the White House on two separate occasions. Each time we were promised an investigation into the most recently de-classified documents and satellite imagery but what we received was double talk while in turn our government began the motions of lifting the only means of leverage we had for truthful answers. With the lifting of the trade embargo it is evident we have been sold out to "THE HIGHEST BIDDER" ...which is the U.S. business community. Large U.S. corporations who wish to do business with no regard to human life...and that puts credence to the fact that we have the best government "money can buy"!!!

We had a senate select committee which ignored the evidence and refused to have the moral courage to do an honest investigation. To date we have not had a truthful, honest or sincere investigation so that leaves me to believe that we no longer have a "government by representation" but a government that lies to it's people, misrepresents evidence to the families, and does not de-classify documents when it says they are being de-classified. Instead it turns to a former enemy and rewards them for their lying and stonewalling of our humanitarian requests for information on our POWs and MIAs.

Maybe our first trade with Vietnam should be to buy back our POWs.

The question is...has integrity and honor become non-existent with our government "by the people, for the people & of the people"? We have instead gone from honor and integrity to lying, stonewalling and denying. We have a beaucracy that is out of control and it is becoming well known to the American voters.

Since our Senators no longer abide by the wishes of the American people, but have "prostituted" themselves to the Vietnamese government, we would then hope that there are some people within this government who would find the moral courage and compassion to truely get the answers and give the families the justice we have long been seeking. "Our" government should have been supporting us and working with us instead of against us.

Some veterans say..."we've left many men behind in wars before Vietnam - why are we continuing this one for a mere 2,000"? My answer to those people is...if they had taken up the fight after WWII we wouldn't be fighting here today. Those of you sitting here today with children or grandchildren at home...I ask you...when will this end? When this government sends our men off to fight a war it is this governments responsibility to bring them home. Why has my husband not come home?

Thank you for the opportunity of allowing me to express my opinions in front of this committee.

REPAIRED STATEMENT OF LINDA GURGANUS, CHAIRPERSON, POW/MIA GRASSROOTS ASSOCIATION

The world is witnessing tremendous changes and the East and West are embarking upon brotherly cooperation. The era of "the war" seems to be ending and peace and development are on the horizon. People everywhere are demanding human rights, freedom and democracy, and political pluralism. We stand at the threshold an opportunity that may never again be ours. Can we not for once put aside all other considerations except to secure the release of any American being held against their will? Power and authority once obtained cannot easily be relinquished, but can be channeled into a cooperative effort.

Our presence as a trading partner with Vietnam seems anything but critical. It does not even appear to be important since the country already has loans of billions of dollars in other international funds. The trade embargo itself has become symbolic. Keep in mind that most Americans believe that Vietnam has stubbornly held its position on our POWs because of a promise that was broken when the United States failed to pay a secretly negotiated debt to them made by the former President Nixon and Dr. Kissinger. Vietnam has responded in kind to a situation created by this one act. We see frequent reports that progress is being made and families are receiving final answers to their quest to learn the fates of their loved ones. If anyone of you on the panel knows of any such convincing and definitive cases please inform us as we are not aware of any such cases at the present. What I personally see are mere disingenuous efforts to go through motions aimed at merely white-washing this issue. After all, any efforts made by veterans, activists or grassroots groups are, it should be, in the interest of the families. Aside from the POWs themselves, they are the only ones who have anything to gain or lose.

Emotion makes it very difficult to analyze the hand of cards which we have been dealt. Implications to lifting the trade embargo with a Communist government are overwhelming. The most obvious is the devaluation of the lives of our servicemen. The policies of our Government with respect to POW/MIAs were exposed by the Foreign Relations Minority Staff Report endorsed by Senator Jesse Helms in May 1991. These facts were abhorred by everyone that read them. However, these policies have not been reinforced.

U.S. companies with assets in Southeast Asia will demand protection from our military at the threat of aggression from China or North Korea. We are already aware that these threats are very real. In one of China's current publications, the United States is identified as China's principal military adversary in the future with the war scenario from China's seizure of oilfields in the South China Sea. What do we tell our sons and daughters who anticipate enlistment in the military? Do we tell them that their lives mean nothing? Do we tell them that "patriotism" is only propaganda used to protect business interests that have no respect for the sacrifices of our youth?

My son is active duty military. I value his life above my own. How do I stop this madness that might place me in the chair of one of these mothers here?

We have a new hand of cards to play. We must formulate new strategies to obtain accounting of POW/MIA's from Southeast Asia. We suggest that funds should be made available to the families who wish to go to countries in question to try and solve their respective cases. This money could be made available to the families by designating a percentage of the approximately \$100,000 per day that it currently costs the military to excavate the crash sights. It has been determined that a large portion of this money is wasted; and the families, activists and veterans organizations are not satisfied with such minimal progress that is being made looking for bones. These funds should be available until the last of our men have been repatriated or for which their respective family members agree that there has been a satisfactory accounting. After all, family members are the *only* appropriate people who should decide on a satisfactory accounting of their loved ones. Perhaps the very companies that forced our Government to choose between "big business" and lives of the men they sent to protect democracy can be lobbied to match such funds in a cooperative effort to finally put this issue to rest. Through this initiative the POW/MIA cause would be adequately subsidized at long last so that the full accounting process can be pursued as promised by the President and Vice President. If they or any other representative do not endorse this proposal, they can be hanged by the family values issue that we hear them speak so often.

Further, we feel that the next full year should be dedicated to the follow up of live sighting reports *only* and making a true genuine effort locate any live American who may still be detained against his will.

Many accuse us of holding a grudge. The fact is that past administration policies have created us. Now YOU must deal with us. If you do not like who and what we

are, maybe you should change the way you do business. We made a promise to the families, and we know how to keep our word. We have a responsibility to our children and to ourselves: that all the good and noble values for which our servicemen still fight are alive and well and worth the sacrifice; that peace, honor, dignity and fairness still exists; and, that with our continued efforts, the American dream will mean something to our children and NOT just to our enemies. And there is no price to our commitment.

Our vigilance is the product of this government's ineffective policies. We will not go away until we have answers. And we will not let this happen again. Our spirit is not broken. Our determination is stronger and we will not "pull out" like the U.S. Government did.

Testimony Before the House Subcommittee on Asia and the Pacific
February 10, 1994 by Michael D. Bengé*

Honorable Congressmen and Distinguished Guests:

I was captured during the Tet offensive in January 1968, at Ban Me Thuot, Darlac Province, Central Highlands of South Vietnam by a North Vietnamese Army Unit, although Hanoi repeatedly swore it had no troops in the South. Despite Hanoi's signature of the Geneva Agreements on the Treatment of Prisoners of War, stipulating that captured civilians would be released immediately, I wasn't released until five years later in March 1973. During this time, I spent 27 months in solitary confinement, and of this time, one year in a black box. For the first year, I was held in a over twelve POW camps in South Vietnam. The second year, I was held in a cage in Cambodia--over one year before the U.S. invasion of Cambodia. Hanoi repeatedly swore they were not in Cambodia--another lie. Next, I was held in one camp and several caves in Laos over a period of a month. Lastly, I was held in three camps in North Vietnam.

Communists are world's the foremost bureaucrats and record everything in quadruplicate. There were no less than three dozen separate sets of documents recording my incarceration. I was captured by a North Vietnamese battalion, thus my capture was

I spent 11 years in Vietnam, over five years as a prisoner of war--1968-73, and am a diligent follower of the affairs of the region. While serving as a Foreign Service Officer with the Civil Operations and Revolutionary Development Support program (CORDS), I was captured at Ban Me Thuot, South Vietnam (Central Highlands) by the North Vietnamese, and was held in numerous camps in South Vietnam, Cambodia, Laos and North Vietnam. For efforts in rescuing several Americans before my capture, I received the State Department's highest award for heroism and also one for valor.

recorded in their battle report. I was turned over to Hanoi's Enemy Proselytizing Department (EPD), which was responsible all POWs, and this was recorded. I was farmed out to a Viet Cong prison camp, again my existence was recorded. Twice a month, I was visited by EPD officers, and these visits were recorded. I was interrogated by military intelligence officers, a different division from EPD, and they recorded the interviews. After being moved to Cambodia, we stopped at Vietnamese military rest camps every night, and the camp commanders recorded my presence. I was treated by a medic in one of the camps, and he recorded this in his separate logbook. When I arrived at the POW camp in Cambodia, the camp commander recorded my presence. I was visited by a doctor from a nearby NVA field hospital, and this was recorded in his log book. The same thing was repeated in Laos. Each of the three camps in North Vietnam where I was held had a political officer who repeatedly interrogated me and recorded everything. I was also interrogated by several "guest" political and intelligence officers, including two Cubans, who kept records. Therefore, please don't insult my intelligence by telling me that the Vietnamese cannot produce records of POWs. They know what happened to our POWs.

Two civilian prisoners with me died while were in a remote area. Our "prison chasers" drew maps of where the bodies were buried. Two EPD officers also came and drew maps of the grave sites. A U.S. team visiting the sites said that the remains had been dug up and removed; however, the Vietnamese have not returned

them. Hanoi knows where the bodies are buried!

Why would Hanoi hold POWs? The Vietnamese communists are not "born again Christians." They are not Mr. Nice Guy. Vietnam is ruled by a totalitarian regime that is very repressive. Its leaders are very vindictive. Recently, Freedom House named them as one of the top twenty of the world's worst violators of human rights. During the war, they repeatedly broadcast to their people that the American POWs were "war criminals," and that they would try us before a Nurnberg-like tribunal and keep us forever. They repeatedly told us this, and said they would hold us just like they still held French POWs (which is also documented). The Vietnamese leaders lost face with their people when President Nixon bombed Hai Phong and Hanoi and forced the Vietnamese to release the 590 POWs. Therefore, they would hold POWs to prove to their people and to themselves that they did not capitulate and give into the American "aggressors. And they wanted "bargaining chips" and "pawns" to trade for their prisoners held by the South Vietnamese, and to ensure that they would be paid the \$3.5 billion promised by Henry Kissinger as war reparations.

It's important to note what constitutes a communist prison in Vietnam, Cambodia and Laos. It is a chain, a padlock and a tree. It is stocks made from tree trunks in a bamboo cage on some remote mountain. It is a cave with a fence and a guard at the entrance. It is any kind of room or storage bin, with the windows bricked up and the door fastened with a steel bar. It is a generator room under the "Citadel" with a locked door. It is shackles bolted to

a bed in an infirmary on an island. This is what constitutes Hanoi's "second tier" prison system, and it cannot be compared to a U.S. prison system, where prisoners can be readily accessed.

While in the cage in Cambodia, I saw perhaps eight to ten Americans POWs taken up the side of a mountain to another part of the cage-compound complex. The camp I was held in was one of six or eight cage-compounds situated a mountain top shaped somewhat like a Star of David, each compound situated on a point. I knew this because I was held for a short time in another of the cage-compounds, and from studying a map of the area and talking to other POWs who had been held in the same complex. None of the other POWs released from this camp complex had been moved at the time I saw these Americans. Who were they? What happened to them?

Could someone survive in the prison system of the Hanoi communists after all this time. About four years, two or three Japanese soldiers from World War II surfaced in Malaysia. They had survived in the jungle for almost five decades. If the POWs believed that America would never abandon them, they could survive!

Yes, I believe Hanoi is fully cooperating with the Joint Task Force Full Accounting (JTFFA). The Vietnamese communists are answering the questions they are asked. However, JTFFA isn't asking the right questions. Crash site investigation is a growth industry for Hanoi, reaping them millions of dollars in revenue as ransom for "salted artifacts" (as in "salting" a phony gold mine with a few nuggets). Examination of the crash sites is a joke. Hanoi, as a policy, and the Vietnamese, as a way of life,

immediately after crash, policed all sites of anything of value, including bodies, identification and personal items, unless the site was in the remotest jungle or mountains. Therefore, any remains or artifacts found on the surface of the majority of these crash sites were probably returned and placed there by Hanoi.

The Pentagon committed a grave injustice to the POW/MIAs and their families by forcing the early retirement of Mr. Garnet "Bill" Bell, former Chief of the POW/MIA Office in Hanoi. Mr. Bell has more residual knowledge of the POW/MIAs than the entire staff of the Joint Task Force Full Accounting (JTFFA). JTFFA is composed primarily of neophytes, who have limited knowledge of the POW/MIA issue; who have inadequate investigative and language capabilities; who have little experience; who have little historical knowledge of the Vietnamese communists and their military; and who have no knowledge of correlating information from other reports which may be relevant to the case. In reality, they wouldn't know who to ask or how to ask it. It's best summed up by a statement made by Ken De Graffenreid, NSC Intelligence Chief assigned by President Reagan to investigate the POW issue who said, "People working that issue could not find a POW if a POW dropped on their head."

When Senator John Kerry visited the area of a prison in Southern Vietnam in April, 1992, Vietnamese officials told him that no Americans had ever been held there. Several months later, an American detainee was secretly released by the Vietnamese, who reported that one day prior to the Senator's arrival, he was moved from the prison, and returned two days after the Senator departed.

Although the American detainee wasn't a POW from the war, it proves my point--the Vietnamese communist officials are pathological liars. Anyone who thinks that the Vietnamese are being truthful and "cooperating" is either a fool or has other motivations.

Resolution of live sighting reports by JTFFA is a moribund joke. The names and locations of all witnesses are given far in advance to the draconian Vietnamese communists, along with all available information in U.S. files. Therefore, witnesses are "prepared" prior to the arrival of JTFFA personnel. Interviews are conducted in the presence of a communist Vietnamese Public Security representative. All witnesses are subject to intimidation.

I have access to, and will make available for joint viewing, a CINPAC video-tape given to me in confidentiality that was made at the Vietnamese Presidential Palace during Senator John Kerry's December 1992 visit. In his meeting with Vietnamese President Le Duc Anh, Kerry assured him that as with the POW pictures, the U.S. Government won't release anything to the public that would embarrass the communist officials. He also told Anh that in order to get the trade embargo lifted, all Hanoi had to do is show that there was a process for accounting. Was he was relaying a message from then President-elect Clinton? Surly, Kerry was *de facto* setting policy and undermining Clinton's campaign promise that there would have to be a full accounting before he would approve lifting the trade embargo on Vietnam. At the same meeting, Kerry also told Anh that Laotian leaders told him on numerous occasions that they had no information on POWs for Hanoi controlled all the

POWs and all information on them. There are about 550 Americans missing in Laos, and of these, approximately 80% of these men are missing in territory that was under the total control of Hanoi.

Anyone proclaiming that the Laotian Government, not Hanoi, is responsible for accounting for these men is either extremely naive, lying, covering for Hanoi or a fool. The Lao leader's statements relayed by Kerry are corroborated by the attached 1969 CIA document revealing an agreement "between the North Vietnamese Government and the Neo Lao Hak Sat Central Committee whereby all Americans captured in Laos would be sent to North Vietnam..." This document also records a shipment of 27 American POWs from Laos to North Vietnam. Either from the CIA/NSA "Cold Spot," or similar intercept program, cited in the attached article by Al Santoli, records another transfer in 1973 of "112 USA pilots" from Laos to Sontay, North Vietnam along with "snapshots...names and ages..." There is a plethora of other intelligence information supporting these transfers.

Only nine POWs captured in Laos were released by Hanoi. According to a 1993 CIA document (reported to have been given to National Security Advisor Anthony Lake by former intelligence officer Barry Toll), 150 American captives were moved to Laos from Vietnam and were offered for ransom. The report, confirmed by a second highly reliable independent source, quotes a high-ranking member of the Lao Polit Buro as stating, "Now is the time to make a deal." At the bottom of the report was written, "Recommend no further action be taken for it is the policy of the U.S. Government

not to pay ransom."

Last year, a media feeding frenzy evolved over the surfacing of a Russian military intelligence translation of what was dubbed the "1205" document." The document stated that in 1972, the Vietnamese held as "pawns" 700 more Americans than the 368 they acknowledged, in a "second tier prison system." Pentagon officials and others, with a "mindset to debunk," proclaimed that there was no other evidence to support that allegation. This is a totally dishonest statement.

There is a convincing body of evidence corroborating the information in the "1205 document" including: a 1968 cable from the British Government quoting Labor party Leader Clive Jenkins, who was a known communist sympathizer; a 1968 debriefing of Vietnamese defector Dr. Dang Tan; a 1970 debriefing of another defector, who commanded a U.S. POW camp in North Vietnam; a 1979 debriefing of yet another defector, Le Dinh, who handled the personnel records of these POWs and was considered a prize asset by DIA; and a 1972 intelligence report sent to the White House quoting North Vietnamese General Tran Minh Duc that the Hanoi Polit Buro had made a decision to hold back about one-half of the American POWs as "bargaining chips." Because of this report, President Nixon launched a year intelligence operation tracking those POWs. All of these documents are available. Also, in the attached article, I cited numerous documents evidencing that indeed Hanoi had "second tier" prison system.

On page 72 of the Pentagon's study, "The Transfer of U.S.

Korean War POWs to the Soviet Union," Russian Officials were asked, "Have KGB Archives been searched for this collection requirement (referring to Korea), similar to the one issued by the KGB for the capture of pilots during the Vietnam War?" (This infers that the Pentagon has such a document.) There are numerous intelligence reports supporting the fact that American POWs were given to the Russians by the North Vietnamese, including the severely injured POWs held in a East German military hospital. Russian military archivist Vladimir Galitsky has accused both Moscow and Washington of dragging their feet on efforts to locate American POWs and MIAs from Vietnam in the former Soviet Union. Also, Hanoi knows who they are.

By lifting the trade embargo against Vietnam, President Clinton has lost a unique opportunity to cast off his war protester hair shirt, and to gain the respect of the families and millions of veterans and active duty military personnel. He has also lost the opportunity to truly heal the wounds of the Vietnam War. In reality, if any POWs are still alive, their death warrants have now been signed, or even worse, they have given them a life-long sentence of depravation and slow-death. By abandoning the POWs and MIAs, the time-honored tradition that *Americans don't intentionally leave their men behind* has been defiled, and a message has been sent to future armed services personnel that when there's a choice between business and their lives, business comes first!

The Pentagon resolving a MIA case by identifying only one tooth, as has been reported, is highly questionable. While a POW,

I saw, on several occasions, Vietnamese medics extracting teeth from the prisoners. These teeth could easily be "salted" among a few bone fragments at a crash site. No MIA should ever be declared dead and remains returned to a family based on the identification of one tooth. The only acceptable means of identification is by DNA testing of a key portion of skeletal remains. If there is evidence that the person had been a POW, the families should demand that the age of the remains be verified, and then matched with Hanoi's explanation of the time and circumstances of death. This should be revealed to the public. The families deserve and are only seeking and demanding the truth.

This "*Bright Shining Lie*" began after Operation Homecoming in 1973 when President Richard Milhous Nixon stated that all American POWs were home, and he declared all the MIAs in Vietnam, Cambodia and Laos dead. When will this lie end?

Respectfully submitted,

Michael D. Bengt

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INFO: J3-1 J5-1 SACSA-4, SECDEF-7 ASD/ISA-5
DIA-15 CSA-1 CNO-8 CSAF-4 CMC-3
ASD/SA-1 FILE-1(SI)CAC/LEP

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JTE TDCS-314/03796-69

DIST 1 JULY 1969

COUNTRY LAOS/NORTH VIETNAM

DOI DECEMBER 1968

SUBJECT PATHET LAO TRANSFER OF ALL AMERICAN PRISONERS
FROM LAOS TO NORTH VIETNAM

ACQ

SOURCE

1. IN LATE DECEMBER 1968, 27 AMERICANS HELD PRISONER
BY THE PATHET LAO (PL), AND THREE OTHER PRISONERS BELIEVED

TO BE EITHER THAI OR LAO, WERE ASSEMBLED IN BAN HANG LONG
/VH 132629/ IN HOUA PHAN PROVINCE BEFORE BEING SENT TO NORTH
VIETNAM. THE 27 AMERICANS REPRESENTED ALL AMERICANS THE PL

As recently came 7 PWS in Laos and 139 AWP

DIA #150

Encl 150

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(Handwritten signature)

LoS
Ref: B-India
has installed
here as well
as prisoners

9/9/03
13-47.601 DOWNT

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PAGE 2 OF 2 PAGES

HELD CAPTIVE IN LAOS. THE REASON GIVEN FOR SENDING THEM TO NORTH VIETNAM WAS THAT THEY WERE TO BE USED IN PRISONER EXCHANGES BETWEEN THE NORTH VIETNAMESE AND THE SOUTH VIETNAMESE GOVERNMENTS.

2. BEFORE THE AMERICAN PRISONERS WERE RELEASED TO NORTH VIETNAMESE ARMY (NVA) PERSONNEL, AN AGREEMENT WAS REACHED BETWEEN THE NORTH VIETNAMESE GOVERNMENT AND THE NEO LAO HAK SAT CENTRAL COMMITTEE WHEREBY ALL AMERICANS CAPTURED IN LAOS WOULD BE SENT TO NORTH VIETNAM WHERE THEY WOULD BE USED IN PRISONER EXCHANGES WITH THE SOUTH VIETNAMESE GOVERNMENT. FOR SEVERAL WEEKS BEFORE THE AMERICAN PRISONERS WERE TURNED OVER TO THE NORTH VIETNAMESE, TEAMS OF NVA AND PL PROPAGANDISTS CIRCULATED THROUGHOUT NORTHEAST LAOS EXPLAINING THE IMPORTANCE OF RELEASING ALL AMERICAN PRISONERS TO THE NVA TO ASSIST THE NORTH VIETNAMESE GOVERNMENT IN ITS NEGOTIATIONS WITH THE SOUTH VIETNAMESE AND AMERICAN GOVERNMENTS.

3. FIELD DISSEM. STATE ARMY AIR USMACV 7TH AIR FORCE

CIRCPAC PACFLT PACAF ARPAC [REDACTED]

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MONDAY, JANUARY 24, 1994

The Washington Times

Open the 'Cold Spot' files

By Al Santoli

In the last battle of the Vietnam War, surviving American families and veterans are fighting to learn the fate of missing servicemen. Similar to victims of secret nuclear tests, they are trying to pry the truth from an entrenched bureaucracy that lacks adequate congressional or administrative oversight.

Many veterans now look to the new chairman of the Joint Chiefs, Gen. John Shalikashvili, to resolve the MIA tragedy with integrity and honor.

In an unobscured campaign, U.S. civilian and military officials — supported by business consultants and publicists — praise Hanoi for "excellent cooperation" and "not holding anything back." Hundreds of live meetings of American prisoners by Vietnamese, Lao and even Japanese assets have been organized.

Pentagon analysts have debunked Soviet documents independently supported by testimony from unrelated sources. A top State Department spokesman admits that prisoners could have been held back in Laos under control of Hanoi. More positively, documents from still-secret Defense and CIA archives point to a multi-agency coverup.

Example: "Cold Spot" was a joint CIA-Air Force program to intercept North Vietnamese and Laotian Communist radio communications from 1971 to 1973. Americans flew electronic spy planes, and indigenous soldiers with CIA advisors conducted "aid camps" operations. Some inter-

cepts describe the movement and detention of U.S. prisoners — long after Operation Homecoming.

On Oct. 8, 1973, a communique from the governor of Nghe An to the Minister of Defense in Hanoi confirmed the transfer of "112 USA pilots" from Lai Chau (near the Laotian border). The "USA prisoners" were taken to a prison that previously held "Thai (captured in Laos) and Vietnamese"

Many veterans now look to the new chairman of the Joint Chiefs, Gen. John Shalikashvili, to resolve the MIA tragedy with integrity and honor.

prisoners. And, "their passports were falsified and I will send them to Hanoi to register with the Ministry of Defense... and names and ages of all will be attached."

On Nov. 11, 1973, the governor of Son Tay Province reported to the Minister of Defense in Hanoi: "112 USA prisoners in prison in Son Tay Province." He named a doctor who treated 10 prisoners with "pneumonia in their hearts.... They are not in a good way. Therefore, I quickly send this cable for you to decide what to do."

There is no record of U.S. officials cross-referencing these and other "Cold Spot" records with in-person interviews of Vietnamese officials, prison commanders and doctors called to the communique.

In the past, intelligence analysts have debunked such documents using

a Murphy's Law gambit — that because the U.S. government had declared all prisoners returned, any contrary evidence must be false.

This "unprofessional... mindset to debunk" was harshly criticized in 1985-86 DIA internal evaluations. However, rather than replace the chest-thumping, the Clinton administration refused to investigate detailed accusations, and the same entrenched bureaucrats have been promoted to wrap up MIA investigations.

In the field, the most experienced U.S. expert, Garret Bell — who has a near-photographic memory of the Vietnamese prison and military systems — was replaced as chief of the Pentagon's Hanoi office by young industry officers lacking intelligence backgrounds, historical knowledge or language proficiency. These officers must deal with devious Vietnamese political officers, many of whom had decades of experience playing a shell game with French MIAs.

Media junkies are taken to elaborate groups of American soldiers during the crash site. On the other hand, dissenting intelligence officers state that during the war it was communist policy to scavenge crash sites and warehouse hundreds of U.S. remains that are continuously doled out as political chips.

Former investigators describe the Pentagon's Joint Task Force Full Accounting (JTFFA) as a \$100 million per year "boondoggle manipulated by Vietnamese security officers" who accompany all JTFFA teams to interview villagers.

In 1992, the JTFFA chief, Maj. Gen. Thomas Needham, shredded 20 years worth of original U.S. investigative files in Bangkok. And in a slick political maneuver, Sen. John Kerry had 120 boxes of potentially explosive National Security Agency files reclassified before Senate inves-

tigators could study them.

Clinton State Department Press Secretary William Lord and Ken Quinn, Clinton conflict-of-interest case officer, helped to create coverage of U.S. casualties in 1979. Mr. Lord helped to create Henry Kissinger's claims in "9 House Years" (page A55) that he coordinated a National Security Council study that purposely misled Congress on U.S. losses in CIA documents from 1967-68. U.S. captives by name in specific (see page A55) in 1970 at CIA headquarters in Laos, Pat Mahoney, a Force expert in special operations, discussed photos of American captives and a wall map of prison. The CIA station chief said, "politicians have fed our hands leeching venoms."

The Vietnamese commander, Ho Chi Minh Trail area of Laos, oversees the movement and detention of U.S. prisoners there between 1971 and Gen. Tran Van Quang (Q) in the infamous Soviet document author Gen. John Vann's war file. Lord raised the issue of prisoner Laos when they met with Gen. Q.

On Jan. 18, 1993, a delegation from the American Legion met with Legation and administration officials mentioned the "Cold Spot" error. The officials gave no response. Legation has filed a Freedom of Information Act request to gain access to the records and to prevent any spreading party by Gen. Needham's multi-agency report.

Before the administration reveals Hanoi's duplicity with any moral or economic concessions, Shalikashvili should make sure all POW/MIA files — such as "Cold Spot" — are made public. He must meet with Mr. Smith and representatives of the major veterans and family organizations to review charts, misstatements and coverups.

To conclude the Vietnam War honor, a new team of expert investigators of unexplained integrity must be appointed.

Al Santoli is a former congressional investigator and author most recently of "Losing the War: How Vietnam Veterans Rebuilt the U.S. Military."

Washington Inquirer

Vol. XIII No. 27

July 2, 1993

Seventy-Five Cents

Special POW Envoy Pleads Alzheimer's

by MIKE BERGE, former POW
[This is the first of a two-part series
by Mike Berge, a former POW in Vietnam
and close observer of POW/MIA efforts.
He points to the fact that representatives of
our government simply are not
rediculously facing challenges by the
government of Vietnam, or else they still
are involved in the number to debunk
information pointing to the existence of
prisoners and parallel prison systems
which would have made it possible for
those who returned not to know that others
were left behind.]

In an April Pentagon news
conference broadcast on CNN, the
President's Special Envoy to Hanoi on
POW/MIA Affairs, General (Ret.) John
W. Vessey, Jr., pleaded "my Alzheimer's"
when he couldn't remember a reporter's
question. The question concerned the
authority of the Russian document,
known to *Washington Inquirer* readers as
"the Quang document," evidencing that
Hanoi was holding 1,205 U.S. POWs in
1972, rather than just the 368 the
communists acknowledged.

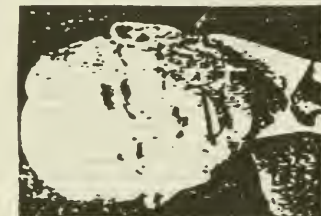
Perhaps Vessey's self-proclaimed
Alzheimer's was meant as a jest. But his
memory of the facts of Hanoi's deception
does seem to have slipped. Gen. Vessey's
record as a battlefield commander is
impeccable. He always took care of his
men and never left anyone behind if he
could help it. It's that "Jack" Vessey who
set the standard by which we now measure

the disappointing performance of diplomat
John Vessey.

Gen. Quang of course claims not to
have "made such a report, because it was
not in my area of responsibility."
However, according to George Carter,
former special assistant to the director of
central intelligence for Vietnamese affairs
in 1972-73, Quang's true role did include
this area of responsibility. "In Vietnamese
communist military organization,
particularly upper echelon commands, the
'deputy' is usually the chief political
officer; in any command, the handling of
prisoners usually comes under the political
officer's jurisdiction." Hence, Gen.
Quang's official biography strongly
suggests that he was involved in POW
matters throughout the war," he said.

Nevertheless, Vessey said, "what
Gen. Quang has told us is not inconsistent
with what we know about General Quang.
I have no reason to disbelieve General
Quang." Thus, Vessey gave credibility to
Quang's lies, infinitely complicating
resolution of the question whether there are
still living POWs in Vietnam. Any U.S.
official foolishly enough to make such a
statement is either ignorant of the liany of
Hanoi's past lies concerning POWs, has
been ordered to lie, or is really suffering
from Alzheimer's. Any one is adequate
reason to call for Gen. Vessey's
replacement.

Here is a liany of a few lies told to the
U.S. government by the Hanoi



General John Vessey, USA (ret.)

communists. Gen. Vessey knows these and
many, many more.

In 1973, Hanoi lied and proceeded to
break nearly every agreement on ending
the war in Vietnam, including a cease-fire
in place. They lied about their presence in
Laos and Cambodia. Then they lied about
the number of POWs that they held.

On January 29, 1973, they lied when
turning over to the U.S. a list of only 377
U.S. POWs. Later they were forced to
acknowledge this and adjust the number to
591. Also at the time, the Vietnamese
refused to admit to and provide the names

of the POWs they either killed or who had
died in captivity.

In March 1977 the Hanoi communists
lied when they promised President
Carter's Woodcock Commission to hand
over to the U.S. all available information
on the POW/MIAs and satisfactorily
resolve questions of their remains.
In 1991, the Vietnamese promised the
head of the POW/MIA Office in Hanoi that
they would "throw open the doors to their
archives and provide all the information
they had." In 1991, they only accounted
for three MIAs, and continued to withhold
information on others whom they had
killed or who had died in captivity. The
only document they released at the time
was the infamous "64 page document,"
which the U.S. already had.

In October, 1992, as President Bush
said, "Hanoi has agreed to provide us with
all—and I repeat, all—information they
and MIAs." They haven't.

Further commenting on the Russian
document, Gen. Vessey stated that "no
intelligence from any source has ever
indicated the existence of such a prison
network (parallel or second tier);" "the
number of prisoners holding Americans was
reduced—not increased.... after the raid
on a prison at Son Tay;" "the numbers in
the document do not square with U.S.
records; and "U.S. prisoners were not
segregated by race."

See VESSEY, page 8

Vessey

Continued from page 1

None of these statements is true. There is a plethora of documents and testimony evidencing a parallel prison system and supporting other facts in the Russian documents and disproving each of Vessey's statements.

◊ High-level Czech military defector Maj. Gen. Jan Sejna, who now works for the U.S. Defense Intelligence Agency, revealed that in 1968, the Russians, the Czechs and the Hanoi communists all collaborated on establishing a separate prison system, through which American POWs were sent to East-bloc countries. At the time, Sejna was Secretary of the Czech Defense Council and saw intelligence reports on at least two groups of 25 American POWs en route to Russia.

◊ A recently declassified CIA report reveals a processing center in Vinh Phuc Province, North Vietnam, staffed by Soviets and Chinese. Jim Sanders, co-author of the soon to be released book, "The Men We Left Behind," which documents POWs abandoned in Vietnam, defined a returned POW who had actually escaped a Soviet-Chinese interrogation center in Vietnam.

◊ A series of secret State Department cables in 1967 disclose negotiations with the KGB for the swap of a Soviet spy team for as many as six "wounded U.S. fliers captured in Vietnam and currently held in an East German hospital...including a double amputee." The deal fell apart before it could be proved the men were there. In testimony, defector Luu Quang Khue, a former Vietnamese Foreign Ministry official, corroborated the report, stating, "Some critical cases we could not treat in Vietnam, so those men were sent to Eastern bloc countries."

◊ North Vietnamese intelligence analyst Le Dinh, who defected to the West in 1978, said that at the time of Operation Homecoming in 1973, there were 12 U.S. POW camps in North Vietnam. DIA also concluded that "13 facilities in North Vietnam had been used as permanent detention camps."

◊ At the time of the raid on the Son Tay POW camp (South of Hanoi) in November 1970, U.S. intelligence had confirmed the existence of 8 camps in North Vietnam holding American POWs and identified 18 others as suspect. Immediately after the raid, U.S. intelligence detected emergency defensive reactions ("lit up") at the 8 confirmed camps including new and

aircraft emplacements, trenching and sand bagging. Three of the suspect camps — Cach Mai, Tom Gieng and Cam Chu — also "lit up," leading analysts to conclude that they also held U.S. POWs. No returned POW was ever held at these camps. What happened to the men who were held there? Actually, there were two prison camps, called Son Tay, one South of Hanoi where the infamous POW raid was targeted, and the other North of Hanoi. According to intelligence reports, Son Tay North was used as a "way-station" in 1973-75 for U.S. POWs being transferred to Sam Nuea in Laos.

◊ Intelligence reports indicate the camp called "Dogpatch" may have been another "way station" for U.S. POWs that were "China Bound." From debriefing reports, DIA reached an erroneous conclusion that these camps were opened and closed on specific dates. However, it was a common practice for the North Vietnamese to clear a camp of POWs before bringing in another group, and the only way you knew that other POWs had been held there was from names found on walls, trees, etc. I was in two such camps.

◊ Navy pilot Robert Flynn was shot down in North Vietnam and taken to a POW camp in China. While there, he was shown a Chinese propaganda photo of a group of Americans "in formation," and immediately recognized a personal friend in the photo, Navy pilot, John Ellison. After Flynn's release in 1973, he was given a batch of pre-capture file photos by DIA to see if he could identify any other POWs, and he recognized another Navy pilot, James Plowman, as the person in the Chinese propaganda photo who was standing immediately to Ellison's right. Plowman was Ellison's copilot when he was shot down. Other rumors reported seeing Ellison's name carved in a tree at Dogpatch. Ellison and Plowman have never been accounted for. The following intelligence reports may indicate that they and others were sent to camps in China:

◊ In 1988, China formally acknowledged having had sent 380,000 Chinese troops to Vietnam during the war, replacing Vietnamese troops in the Northern Tier provinces starting at about 50 miles North of Hanoi. Dogpatch camp was well inside the Chinese controlled territory.

◊ Other reports document that U.S. POWs captured in Vietnam were sent to a camp near Kunming, China, for safe-keeping as

bargaining chips in case the war went bad for the Hanoi communists. The 1971-72 documents recorded aerial surveillance of the camp — where the POWs were reportedly segregated by rank and from which none returned.

◊ Intelligence reports evidence that Col. Dean Pogreba was shot down and captured in Lang Son province in North Vietnam near the China border by a Chinese anti-aircraft unit. Although DOD listed him as KIA-BNR, recently released DOD documents show that he and nine others were actually carried as category "one" MIAs. Other reports show that POWs Joseph Matejov, James Barr, Ralph Biss, Willie Cartwright, James Dooky, Steven Knott, and Chengs Lee were also "China Bound."

◊ Other intelligence reports show that F-111 backseater (electronics warfare specialist), Col. Robert N. Brown, was on a list of POWs transferred from Vietnam for questioning in the Soviet Union. He too has never been accounted for.

Other information that should have been at Vessey's fingertips regarding separate prison systems includes the following:

◊ CIA documents describe Dong Mang (Dong Vang) prison in North Vietnam as "unique" in its construction, built to keep groups of POWs segregated, comparable only to the Hanoi Hilton (Hoa Lo prison). A satellite photo of this prison taken in 1975 depicted roof markings of a "K" (downed pilot) in Morse code; a second photo of a near-by field depicted a pilot's authenticator code; and a third photo depicted a missing pilot's name.

◊ A June 1, 1970, intelligence debriefing of a Vietnamese defector, who formerly commanded "a prison for U.S. company-grade aircrew officer PW's in Ha Tay Province, North Vietnam," details the following: "Beginning in mid-1965, U.S. aircrew PW's in the grade of Captain or below were transferred to the Ba Vi prison. The prison had room for 'approx 100-150 U.S. PW's.'"

◊ Then there is the camp just North of the DMZ near a prison hospital run by Cubans where a dozen or more U.S. POWs were held but never acknowledged by the Hanoi communists (W/ 10/16/92). Hanoi has yet to account for these POWs.

◊ And a 1988 CIA memorandum and other 1970 U.S. intelligence reports show

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Vessey

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that the U.S. suspected Americans captured in the Vietnam war were being shipped to North Korea for imprisonment [W, March 19, 1992].

After the last of the POWs were released in Operation Homecoming in March 1973, National Liberation Front General Tran Van Tra told U.S. officials he could arrange the release of additional POWs from South Vietnam and Laos if they would give him a plane to fly to Hanoi. The U.S. asked Gen. Tra to prove his claims and produce a POW, which he did—Capt. Robert White, released on April 1. Tra was given a plane and flew to Hanoi never to be heard of again.

Similarly, on April 6, Pathet Lao Gen. Soth Pethay told U.S. Senator Brooke that he could arrange the release of POWs from Laos, reportedly in the hundreds. However, he too was "freed in" and never heard from again as the North Vietnamese exercised total control over their "little brothers" in Laos and South Vietnam (WL 10/16/92).

Everyone seems to have forgotten the Laotian prisons controlled by Hanoi and the Laotian puppet—the Pathet Lao.

"In Laos, the American teams are actually barred by the Vietnamese government (controlled by Hanoi) from going into key areas where Americans and distress signals have been sighted over the years."

There was, and in all probability still is, an extensive "parallel prison system" in Laos controlled by Hanoi, including the numerous caves found there. For a short-time during my captivity, I was held in two huge caves where underground structures and tunnels had been carved.

During a "black operation" in 1969, Special Forces Master Sergeant Norm Doney took a picture of a number of American POWs held in a cave just north of Attopeu. Other POW cave-camps confirmed by CIA reports include a complex in the vicinity of Ban Na Kay Ten, near Sam Neua. This is the same complex where other intelligence reports evidence U.S. POWs were transferred to from the Son Tay North POW camp in Vietnam.

According to Senate Select Committee on POW/MIA Affairs investigators, its Chairman, Sen. John Forbes Kerry (D.-Mass.) stopped a June 17, 1992, briefing that identified the Lao prison and re-education system controlled by Hanoi. Numerous CIA and other reports document this system.

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Also, according to Senate investigators, the Select Committee had access to radio intercept messages that tracked the movement of specific numbers of U.S. POWs in Laos in 1979 and 1980. These still unclassified intercepts were matched by reports from former Laotian internees that U.S. POWs were moved from northern Laos during the Chinese invasion of Vietnam in 1979 and 1980 in response to the repeated threat of additional military action—"the second lesson"—by the Chinese.

Other radio intercepts, matched by live-sighting reports, gave the specific locations where U.S. POWs were held after being moved. The Committee treated this by ignoring it. The Committee never heard a complete Staff briefing on Laos and only incomplete briefings on Vietnam," former Committee investigators say.

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'Mindset To Debunk' Still Prevails

by MIKE BERGE, former POW

[This is the second and concluding part of a report on America's special envoy to Vietnam for American POWs and MIAs, Gen. John Vessey, and other high government officials, and their apparent efforts to continue debunking information that indicates Americans were still in captivity a year ago.]

General Vessey is wrong again in his assertion that POWs weren't segregated by rank. The intelligence reports on the Kuming, China, camp and the Ba Vi prison camp for Company-grade aircrew officers evidence otherwise. The ten most senior POWs, all colonels or Navy captains, were put together in the same building in the Hanoi Hilton. And, in those camps where I was held, we were segregated by rank.

Vessey also claims "the numbers in the document do not square with U.S. rec-



General John Vessey, USA (ret.)

ords." Is this another Vessey memory lapse? The Russian document asserts the Vietnamese communists were holding 1,203 U.S. POWs, while acknowledging only 368. The fact that they held a much larger number of POWs is corroborated by several sources.

- According to investigators for the Senate Select Committee on POW/MIA Affairs "the Committee obtained 12 Defense Department and Defense Intelligence Agency documents that indicated that in 1973 the Government expected some 1,360 more POWs in addition to the 591 who actually did return. These documents were supported by the testimony of three former Secretaries of Defense, a retired General, and at least one retired CIA officer."

- Secretary of Defense Melvin R. Laird (1969-73) testified at September 1992 Select Committee Hearings that "about 474 or 478" POWs who had written letters home "never returned, and were never accounted for."

- Senator Bob Smith (R.-N.H.), former Vice-Chairman of the Select Committee said "evidence uncovered by Senate investigators indicates that as many as 8 U.S. POWs held by the Vietnamese wer-

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still alive through 1989." Even Senator Frank Brown (R.-Colo.), former member of the Select Committee, stated that evidence obtained by the Committee showed that U.S. POWs were still alive in Vietnam.

- The 700 additional POWs cited in the Russian document is almost the same number as the finding by Senate Select Committee investigators.

- A second Vietnamese defector, Le Dinh, also confirmed the numbers in the Russian document. Le Dinh, who defected in 1978, a People's Army intelligence officer assigned to an intelligence unit named "C-14" in the Vietnamese general staff, told DIA that "(Vietnam) returned a 'strategic asset' of over 700 American prisoners that could be used to force the U.S. to pay reparations." This same justification is found in the Russian document.

According to DIA, Le Dinh "demonstrated accurate knowledge" about U.S. POWs and POW detention facilities and about organizations, missions and personalities within elements of Vietnam's Ministry of Defense related to U.S. POWs. Le Dinh also said he personally saw 33 American POWs in December, 1974, held at a former military compound on the outskirts of Hanoi. All were "progressives," meaning they had been successfully indoctrinated by the communists. "Progressives" are also discussed in the Russian document.

- Dr. Dang Tan, a former official in the North Vietnamese Defense Ministry who defected in 1969, told U.S. officials that Hanoi was holding "over 800 American POWs" rather than just the 368 they acknowledged at that time, and that Vietnam's "Lao Dong Party intends to use these American POWs as hostages in bargaining to achieve its political objectives." Again, this justification is cited in the Russian document. Ironically, U.S. officials ordered U.S. Embassy Officials in Saigon to delete the 800 number from Dr. Tan's press briefing because they didn't correspond with the U.S.'s "official tally."

Even so, Dr. Tan even called into question the reliability of some of his information—the escape of U.S. POWs from Hoa Lo prison in North Vietnam. He felt that this information might have been distorted for he thought escape from Hoa Lo was impossible. Nevertheless, the accuracy of Dr. Tan's information was confirmed by Admiral Stockdale,

who described the escape and recapture of these POWs in his book.

The latest "bone" that the deceptive Hanoi communists have thrown the U.S. is the purportedly "just recently discovered" "Blue Book," the supposed sign-in sheet for all U.S. POWs in North Vietnam. Communist archives are notorious for disinformation and forgeries, and the Vietnamese are past masters of the art. What does it prove? It only proves that some POWs signed their names in a book. I never signed my name in the "Blue Book," nor did any of the other POWs who were captured in South Vietnam or Laos. Nor would have the approximately 700 POWs who were kept in a "second tier" prison system.

It's just another small piece of the very large puzzle that Hanoi holds its key pieces to. If they were really serious about providing an accurate accounting, they would turn over the hundreds of diaries kept by the political and pay-war officers of each Vietnamese unit. These are the real records that detail the capture of each POW, and the names and locations of those killed in combat.

Although the Russians have "fessed-up" to interrogating U.S. POWs in Vietnam after 1975, and had even admitted that some were taken to the former Soviet Union, Hanoi has yet to come clean on these POWs, or provide information on other U.S. POWs taken to other communist countries as documented in numerous intelligence reports.

- In 1991, KGB Gen. Oleg Kalugin, who was brought back by former Soviet President Gorbachev to reorganize the intelligence agency, stated, "the Soviets were interrogating captured U.S. flight crews even after the 1975 end of the Vietnam war and after Hanoi said it had returned all American POWs. Soviet aviator Pavel Posomayev said he helped fly two captured U.S. pilots from Laos to KGB agents in North Vietnam in 1962, and the Chief of Soviet Secret flights in Vietnam, Pyotr Chavkunov, also admitted that his planes flew American POWs. None of the returned POWs was ever flown in a Soviet plane or questioned by Soviet agents after 1973."

Nor has Hanoi allowed a competent investigation of intelligence information evidencing that U.S. POWs were still being held as recent as June, 1992. Satellite photos taken then of the Dong Mang prison complex in North Vietnam reveals the authenticator codes of two American pilots, and the name of one of them, held

there —T. Peter Mathis, shot down in Laos, and Major Henry M. Seres, shot down in North Vietnam. Retired Air Force Colonel Larry Burrows, who did photo intelligence interpretation for 28 years and was highly decorated for his work, said that he was "100 percent" certain that these were man made. The chance of anyone duplicating these codes is mathematically mind boggling."

Recently, two former Vietnamese communist military officers reportedly met with DOD's MIA/POW representative in Cambodia and offered to lead a team to recover two live American POWs. According to the report, "As many as 150 American prisoners of war remain in two camps near Vietnam's border with China." Did they mean a prison called "Dogpatch"? These two men asked for nothing in advance, only inquiring about the reward offered by former Congressman Billy Henderson, and about assistance in resettling in another country. However, they were sent away after being told by DOD's representative "that the U.S. government does not pay for POW/MIA information, does not hire anyone providing this information, nor will it help someone providing this information resettle to another country." The DOD representative identified both officers by name and address, and widely disseminated the unclassified report—a highly probable death-warrant in a communist totalitarian system, such as that in Vietnam.

According to the National League of Families, as of March 5, 1993, there were 1,674 first-hand live sighting reports since 1975. Of these, 1,662 have "reportedly" been resolved. How has DOD resolved these cases? Sidney Shchenberg, a Pulitzer Prize recipient and columnist who recently returned from North Vietnam, witnessed the method DOD uses to follow-up on live sighting reports in Vietnam, Laos and Cambodia, and confirms that DOD's investigations are incompetent. He comments, "Their investigations can not be described as anything approaching exhaustive, or even thorough. When they travel to areas of crash sites or reported sightings of live Americans, they do not interview witnesses in private but rather in the presence of Vietnamese officials. Also, the Americans have no independent language capability, relying entirely on official Vietnamese (communist) interpreters."

Over 90% of the POW/MIAs in Laos and 80% in Cambodia were missing in

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territory under the control of North Vietnam. In a March 1973 Memorandum, Acting Assistant Secretary of Defense Lawrence Eagleburger recommended to the Secretary of Defense and to the President that "Hanoi should be advised unequivocally that we still hold them responsible for the ... accounting for and/or release of U.S. prisoners being held in Laos. Once again, NVN should be clearly informed that an accounting for ten men out of a total of more than 350 is considered unacceptable." (estimates run as high as 600 MIAs in Laos) Senator John Forbes Kerry has been repeatedly told, when asking the Laotian Government about the POW/MIAs, "Don't ask us, ask the Vietnamese for they were responsible for the U.S. POW/MIAs."

Senators John Forbes Kerry (D.-Mass.) and John McCain (R.-Ariz.), DOD and the others have recently recommended to President Clinton that the U.S. withdraw opposition to the ban on DMF and other loans and grants to Vietnam. They, like Gen. Vessey, seem to be suffering from memory loss when it comes to holding Hanoi responsible for accounting for the POW/MIAs in Laos. If official figures are to be believed, there are yet 2,253 Americans still prisoner, missing and unaccounted for from the Vietnam war. And one must not forget that eight, of the 1,100 service men DOD classified as KIA-BNR (killed in action—body not recovered), came home in the 1973 POW release. Accounting for only 12 Americans (11 in Vietnam and one in Laos) in two years by Hanoi is not "enormous progress," as proclaimed by Senators Kerry and McCain, General Vessey, DOD and others.

Also, Hanoi's continued stonewalling on admitting to its culpability in shipping U.S. POWs to China, the former Soviet Union and other communist countries is all the more reason why the U.S. should continue to oppose all loans and grants to Vietnam and continue the trade-embargo.

Besides the purported "enormous progress", which is not true, another of Kerry's justifications for paying blackmail to Hanoi by not opposing loans, is that improved relations will result in an increased flow of information about the POW/MIAs. This does not hold up under scrutiny for we have had diplomatic relations with Laos, do not oppose loans, and have been giving aid to that country's very long time. Regardless of our show of good faith, the U.S. gets next to nothing in information on the POW/MIAs and

the Laotian Government has only unilaterally repatriated the remains of one U.S. serviceman in the last two years.

According to Veterans' reports, Kerry had the Vietnamese communists and the POW/MIA Office's team in Hanoi coached in preparation for a Memorial Day visit by a Congressional Delegation (CODEL), which included Veterans groups. Reportedly, Kerry sent a staff member of the Foreign Relations Committee to Hanoi one week before the CODEL arrival to work in concert with Hanoi's paid lobbyist, Virginia Foose of the U.S.-Vietnam Trade Council. Accordingly, they gave a crash course to the Vietnamese and the Americans in Hanoi on what answers to give to the Veterans and the other members of the delegation in order to give the impression that "enormous progress" was being made in the accounting for POW/MIAs. This included the setting up of an unauthorized "Joint Archive Center."

Vietnam Constructing "Export Processing Zones":

To allow foreign investors to take advantage of cheap labor and tax incentives in Vietnam, that country has started developing a reported five export processing zones (EPZ), of which two are near Ho Chi Minh City and are expected to be ready for operation by early next year. The HCMC location has already received 50 foreign investors' applications, with electronics companies from Japan and Singapore accounting for 12% of the space already leased. Caterpillar, the U.S.-based construction machinery company, has received approval from the Vietnamese Ministry of Trade for a license to setup an office in Hanoi. Vietnamese government officials said other U.S. companies, such as Citibank, G.E., IBM, and Philip Morris, will be granted licenses soon. (*Indochina Digest*)

OPENING STATEMENT OF AMBASSADOR WINSTON LORD
HOUSE COMMITTEE ON FOREIGN AFFAIRS - SUBCOMMITTEE
ON ASIAN AND PACIFIC AFFAIRS
FEBRUARY 10, 1994

Mr. Chairman, distinguished members of the Committee:

"The investigation of case 0954 began in October 1992 when local Vietnamese villagers unilaterally returned 531 bone fragments, 16 teeth, an ID tag, Geneva Convention Card, and aircraft data plate to local officials during the 20th Joint Field Activity. A CILHI team climbed to the site in November 1992, conducted a site survey and recommended against excavation due to the hazards involved in climbing to the site and the difficulty of the terrain. The Commander of the Joint Task Force-Full Accounting directed that his detachment commander in Hanoi, an experienced Infantry Officer, go to the site and determine whether an excavation could be done safely. In March 1993, the Detachment Commander and another Detachment member traveled to the remote site. Three aerial reconnaissance attempts failed to locate a landing zone close to the site due to the ruggedness of the terrain.

From the nearest road the team climbed uphill for five hours to a small farm inhabited by only two people, remained overnight and the next day climbed an additional two hours to reach the site. The site was located at an elevation of 4780 feet on the side of a mountainous rock formation that varies in slope from 30 to 60 degrees. The Detachment Commander determined that an excavation could be done safely, but it would be extremely difficult and would require a hand picked team in top physical shape. Prior to the 26th Joint Field Activity, the Vietnamese cut a helicopter landing zone suitable for an MI-8 on the side of the mountain, thereby reducing the climbing time to the site.

Over a two-day period, six MI-8 sorties transported the twelve U.S. and fifteen Vietnamese recovery team members with their water, equipment and supplies to the landing zone. From the landing zone the team carried equipment for about two hours over extremely rugged terrain to a base camp. The crash site was over an hour climb from the base camp and the terrain was so steep that at points it required scaling rock faces hand over hand. Over the next two and a half weeks, the team climbed an hour each day from the base camp to the site, excavating at the site, then climbed for an hour back to the base camp.

The immediate area of the crash is a rocky slope 40 to 45 degrees in grade. Working from the lowest elevation to the heights at the site, the team worked over the next sixteen days removing surface rock, scraping and sifting through screens the associated soil, aircraft debris and human remains. The excavation resulted in 187 bone fragments, 16 human teeth, personal effects, life support equipment, and other wreckage. This excavation, along with the earlier unilateral turn-in, resulted in a total of 718 bone fragments and 16 teeth."

Mr. Chairman, that is the story of just one case among the hundreds that brave and devoted Americans are pursuing every day -- in the jungles and on the mountains of Vietnam, Laos and Cambodia, in the laboratories in Hawaii, in Pentagon offices, and in hearts and minds. This brief vignette illustrates not only the labors of Americans but also the intensified cooperation of the Vietnamese. And it shows we are getting results from a process that is painstaking, incremental and will last for decades.

Against this backdrop, I welcome the opportunity to appear before you to discuss President Clinton's decisions last week to lift the trade embargo against Vietnam and to establish a liaison office in Hanoi.

The President took these steps because he was convinced that they offered the best way to achieve the fullest possible accounting for our POW/MIAs. At the outset, I want to emphasize that his decisions were based on that single judgment. Of course the Administration is not oblivious to the potential economic and geo-political benefits that may now begin to unfold. But such benefits would flow from last week's decisions; they were not the reasons for them.

Thus, as the President stated, the POW/MIA issue will remain a central focus of our relationship with Vietnam. We will continue to require, in his words, "more progress, more cooperation, and more answers."

The Administration's Search For Answers

President Clinton's decisions were preceded by an intense government-wide effort during the first year of his term. This Administration has devoted more resources to the POW/MIA accounting effort than any previous one; there are now more than 500 military and civilian personnel assigned to this task under the leadership of Secretary Perry, General Shalikashvili and the Commander in Chief of the Pacific, Admiral Larson.

From the beginning, President Clinton has worked hard to change the way the government handles information about the POW/MIA issue to ensure full disclosure. On Memorial Day, he pledged to declassify and make available all possible government documents related to our unaccounted for men. On Veterans Day, we fulfilled that pledge. The State Department reviewed about 200,000 pages of documents, and we declassified and released more than 99 percent. The small amount of material that has been withheld from release consists of matters relating to personal privacy or sensitive foreign policy discussions. The public can gain access to the released documents at our Freedom of Information Reading Room. I understand that the Defense Department declassified about 1.5 million pages of documents, which are available at the Library of Congress.

President Clinton and his top advisers have also made extraordinary efforts to consult many groups that share his concern for the POW/MIA issue. He insisted that all points of view be carefully considered. As is well known, some of those we consulted do not support lifting the embargo at this time.

This Administration has provided American veterans organizations an unprecedented role on this issue. For the first time, leaders of major groups accompanied a Presidential Delegation to Vietnam last July to press for more progress. We have continued to meet with those organizations and other representatives of veterans. The various leaders and their constituents hold diverse perspectives and we have benefitted from them all.

We have also consulted regularly with the National League of Families of POWs and MIAs. I would like to pay tribute to that organization, which, during the 1980s, was instrumental in pushing our government to do more to account for our missing men. Much of the credit is due to Mrs. Ann Mills Griffiths, the League's executive director and the sister of one of our missing. We invited the League to join the July mission to Vietnam, but they were unable to participate.

To the veterans and families, let me repeat that this Administration remains steadfast in its determination to achieve the fullest possible accounting. Our doors remain open. We encourage them to continue working with us toward our common goal. As the President stated last week, this spring he will send another high level delegation to Vietnam and will again invite the veterans organizations and the League of Families to participate.

The President and his advisers also sought the views of a large, bi-partisan group of Senators and Representatives, including members of this sub-committee and many who were themselves prisoners of war or served in Vietnam.

Finally, the President has relied heavily on the information and advice provided by his military and civilian advisers here and on the ground.

Chronology of Developments

These intensive consultations are part of the careful, steady course on Vietnam that the President has charted during the first year of his Administration. Let me briefly review the events that led to the President's decision to end the embargo and establish reciprocal liaison offices.

The first milestone was the April 1993 mission to Hanoi of General John Vessey. Mr. Chairman, I would like to use this opportunity to salute Jack Vessey. Much of what we have accomplished on the POW/MIA issue is due to the dedicated labors of this patriot who has served three Presidents as Special Emissary to Hanoi. Entering the army as a private, he rose to the highest position in our armed forces, Chairman of the Joint Chiefs of Staff. He gave 46 years of outstanding service to the nation. A grateful country could not have asked for more, but General Vessey had more to offer. He devoted himself to seeking the answers to the questions that have plagued the families of the missing. In 1987, he went on the first of six missions to Hanoi as Special Emissary. His work led to the establishment of the Joint Task Force-Full Accounting, and to our full-time POW/MIA office in Hanoi.

During General Vessey's April mission we were able to investigate the information we had just received from the archives of the former Soviet Union. Hanoi agreed to establish special teams to investigate the remaining discrepancy cases. For the first time, we received documents from Vietnam's wartime general political directorate.

On July 2nd last year, the President announced two new steps toward our goal of the fullest possible accounting. First, to acknowledge the progress we had made, but more importantly to encourage further advances, we ended our blockage of Vietnam's access to international financial institutions. Second, the President decided to send a new, high-level delegation to Vietnam to press for more progress on unresolved POW/MIA issues. I had the honor of co-leading that delegation, along with Deputy Secretary of Veterans Affairs Hershel Gober and Lt. General Michael Ryan, assistant to the Chairman of the Joint Chiefs. We were accompanied by leading representatives of the four largest veterans organizations.

Our mission was to ensure that Hanoi's top leaders understood the President's commitment to the POW/MIA issue. We stressed that further movement in bilateral relations required additional concrete results in four key areas identified by the President: remains, discrepancy cases, trilateral cooperation with Laos and Vietnam, and documents. We also emphasized the importance we attach to human rights.

We accomplished our mission. We delivered the President's message to the Party General Secretary, the Minister of Defense, the Acting Foreign Minister and the Minister of the Interior. We also had a very productive session between veterans of both sides.

On September 13, the President decided to renew his authority to continue the embargo against Vietnam. However, to recognize POW/MIA progress in the four key areas and to stimulate further results, we modified the embargo to permit American companies to undertake development projects in Vietnam funded by international financial institutions.

In December, I returned to Vietnam to assess the overall situation, including progress in the four key areas. I held lengthy discussions with the outstanding personnel serving in our Joint Task Force. I met with Vietnam's Prime Minister, Foreign Minister and other leaders. I travelled to the border with Laos to observe first hand the trilateral cooperation process there. And I had the honor to witness the beginning of the journey home for the remains of missing Americans -- a ceremony of stunning dignity that I will never forget.

In late December, the President's senior advisors met to review the POW/MIA record. They came to the unanimous conclusion that there had been significant, tangible progress in all four of the areas identified by the President in July.

The Criteria For Progress

What then were the results upon which the President's actions were based? Let me summarize the detailed information that was provided last week.

The first area identified by the President is the recovery and repatriation of American remains:

During the six months following the President's July announcement we brought home the remains of 39 Americans, more than we repatriated in all of 1992.

Throughout 1993, we repatriated the remains of 67 Americans, making last year the third most productive one for recovering remains since the end of the war. In the first month of this year, we have already brought home 12 more American remains.

The second area is the continued resolution of discrepancy cases and continued accomplishment of live sighting investigations:

Since July 1993, we have confirmed the deaths of 19 individuals on our list of discrepancy cases.

Since the beginning of the Administration, we have confirmed the deaths of 62 individuals, reducing the number of these cases from 135 to 73. We have a special team operating in Vietnam which is continuing to investigate the remaining 73.

We have conducted more than 300 investigations on the ground in Vietnam of reported sightings of live American POWs and of cases of Americans who were last known to be alive during the war. None of these has produced evidence that an American POW is being held captive in Vietnam today. But we will continue to pursue vigorously any reports of live prisoners that we receive.

The third area is further assistance in implementing trilateral investigations along the Vietnamese-Lao border:

For many years we tried without success to investigate cases of Americans missing along the Vietnamese-Lao border, particularly airmen shot down over the Ho Chi Minh Trail. As a direct result of the President's July initiative the governments of Vietnam and Laos reached agreement in August last year to cooperate jointly on such investigations. The first such operation took place on the border of Vietnam and Laos in December. I personally visited with the Vietnamese, Lao and American teams during my trip. The operation has succeeded in locating new remains as well as crash sites that we plan to excavate in the coming months.

And the fourth area is accelerated efforts to provide all POW/MIA-related documents that can give us answers to individual cases:

Since July, we have received for the first time records from Vietnam's wartime anti-aircraft units along the Ho Chi Minh Trail. These records contain information about hundreds of U.S. airmen who were shot down and are listed as missing. This information should help us locate crash sites and recover remains in both Vietnam and Laos.

We also have obtained for the first time documents from a wartime political-military unit. This material contains information on American servicemen buried by North Vietnamese forces and written reports recounting unilateral efforts by Hanoi to locate the remains of Americans. This information should assist our efforts to achieve the fullest possible accounting.

Since the archival research program was initiated in October 1992 we have received from the Vietnamese 25,000 POW/MIA-related documents and artifacts. Six hundred of these have been correlated to unresolved cases. This represents more POW/MIA-related documentation than we had previously received during the entire period since the end of the Vietnam War.

The President agreed with his advisers that this record represented "significant tangible progress". Overall, we believe that 1993 was the most productive year for POW/MIA progress since the war.

Once again, I would like to pay special tribute to the incredible work being done by the men and women of the Joint Task Force-Full Accounting under the leadership of Admiral Charles Larson and General Thomas Needham. They have endured hardships and dangers. They have displayed ingenuity, dedication and tenacity in tracking down every possible lead. They deserve our utmost gratitude and respect. These men and women are a source of immense pride for all Americans.

I also note the assistance we have received in the field from both official and private Vietnamese. Our Joint Task Force-Full Accounting personnel have reported that their cooperation during the past six months has been excellent. I cite two brief examples. In one instance, Vietnamese soldiers participating in an activity helped U.S. teams cross a Vietnam War-era minefield to an investigation site and helped remove four one hundred pound bombs from a crater we wanted to excavate. In another incident, a U.S. excavation team had been working without success for two weeks when a local villager approached and said he had witnessed the wartime burial of an American. The villager then directed the team to the burial site, resulting in the recovery of remains for which the JTF-FA were searching.

We now have in place the mechanisms we need to achieve the fullest possible accounting. We have the means to investigate any reports of possible live American prisoners. We have the mechanisms to excavate crash sites and burial locations. We have the means to interview witnesses in villages and Vietnam's wartime military leaders. We have special teams to search for remains and information on the highest priority discrepancy cases. We have mechanisms to review documents related to our missing men. And we have the means to investigate cases along the Vietnamese-Lao border. All of these instruments will help President Clinton fulfill his pledge to the families of the missing -- that everything possible will be done to determine the fates of their missing fathers and sons, husbands and brothers.

Let us also briefly recall two other positive aspects of recent U.S. engagement with Vietnam. As a result of the 1991 "roadmap" policy, Hanoi withdrew its troops from Cambodia and has supported the promising advance toward peace, freedom and human rights in that country. The overwhelming turnout for last year's free Cambodian elections, in spite of intimidation and violence, clearly demonstrated that democracy is not only a Western ideal.

Hanoi has also released from re-education camps its citizens who had been detained because of their pre-1975 association with the United States or the former South Vietnamese government.

These developments are encouraging. So too are Vietnamese pledges of continued cooperation on POW/MIAs. But, as the President cautioned, "it must not end here." We will relentlessly continue our search for answers.

We know from experience that this search will take a long time. Just two months ago we repatriated the remains of American aviators who were lost in World War Two. Their remains, and the wreckage of their airplane, were found in the glaciers of Tibet, and returned with the cooperation and assistance of the Chinese government. In recent months we have also retrieved more remains and more answers concerning the Korean and Vietnam wars from North Korea, Russia and China as well as the countries of Indochina.

I am confident the Vietnamese understand the President's determination to see this issue through. They also know that any further steps in our relationship will depend on our making even more progress.

Following the President's announcement, the Ministry of Foreign Affairs declared that, "The Vietnamese government reiterates its policy of consistently regarding the question of Americans missing from the war as a humanitarian concern not linked with political issues . . . the government and people of Vietnam have been, are and will be cooperating in a constructive spirit with the American government and people to solve this issue to the fullest possible extent."

When I informed Vietnam's Ambassador to the United Nations of the President's decisions, he said, "We promise to go forward with you to see the MIA issue resolved. I have a promise from Hanoi that cooperation will continue."

The Views of Others

The question for the President then was, what actions could we take to continue this important progress? How could we keep Vietnam motivated to pursue and expand its cooperation?

The President turned to many people for advice on these questions. He consulted with all members of his cabinet most directly concerned with the POW/MIA issue, including the Secretary of State, the Secretary of Defense and the National Security Advisor. The President asked General Shalikashvili and the Commander of our Pacific forces, Admiral Larson. He asked General John Vessey, and the leaders of the delegation he sent to Hanoi last July.

Everyone recommended that the best way to make more progress and resolve POW/MIA issues is to lift the embargo and expand our presence in Vietnam.

As I noted earlier, the President also sought the advice of many Members of Congress. Here I would note the special contribution of Senator John Kerry, who co-chaired the Senate Select Committee on POW/MIA Affairs. For 15 months, the Senator, a decorated veteran of Vietnam, steered his committee through an exhaustive investigation. The committee's findings played an important part in our deliberations. Senator Kerry also sponsored and championed the amendment endorsing an end to the embargo which the Senate overwhelmingly passed late last month.

At the risk of not mentioning all of the amendment's co-sponsors, I do want to single out two others with particular backgrounds. In very personal and moving remarks on the floor, Senator John McCain, who spent almost six years as a POW in Vietnam, recommended ending the embargo as the best way to account finally for his missing brothers in arms. Senator Bob Kerrey, who earned the Medal of Honor in Vietnam, also urged us to end the embargo to resolve the POW/MIA issue, and to make more progress on human rights and democracy issues.

In the House of Representatives I believe a broad majority also supports the President's decisions. They include many veterans and former POWs such as Congressman Pete Peterson, who has served a central role in our search for answers not only in Indochina but in the former Soviet Union.

The President and other Administration officials also consulted once again with the representatives of veterans organizations and family groups. While many of them disagree with the President's decision to lift the trade embargo, they all share his objective of achieving the fullest possible accounting. They agree in principle with the strategic approach of the Administration -- namely, to take incremental steps forward in our relations with Vietnam in response to progress and to encourage further progress. They agree that Vietnamese activity has intensified in recent months.

The disagreements arise over whether there has been sufficient progress, as opposed to an extensive process, to justify making another move forward. As I have outlined, we believe that we have witnessed not only unprecedented cooperation from the Vietnamese but also substantial tangible results from our joint efforts.

Despite these differences -- and I don't wish to minimize them -- we look forward to working closely with those who have the greatest personal stake in this difficult issue. We welcome their continued counsel. We empathize with their pain -- not only over lost family members and comrades but over the past deceptions by the Vietnamese and inadequate performance by the U.S. Government.

After considering all views, the President made his decisions. In short, he agrees with all his senior advisors, with our military personnel working on the ground, and with an overwhelming bipartisan majority in the Congress that the actions he announced represent the best way to account for our missing men.

The steps we have taken do not represent full "normalization" of relations with Vietnam. We are not opening embassies or exchanging ambassadors. We are not granting Vietnam special economic privileges. We retain considerable political and economic incentives to ensure that the government of Vietnam does not waver from its commitment to continue its cooperation on POW/MIA issues.

Our efforts will continue undiminished, indeed with fresh momentum.

With these prospects in mind, President Clinton also decided to establish a liaison office in Vietnam and to permit the Vietnamese to open a similar office here. We believe such offices will greatly assist in our search for MIA information. They will also serve to expand our dialogue with Vietnam on many issues, including human rights. And they will support and protect American visitors, tourists and businesspeople.

The vastly increased numbers of American visitors, tourists, businesspeople and other private groups who will now spread across Vietnam should produce greater openness, greater contacts, greater information on our MIAs -- and concrete results.

At this moment we are only in the initial planning stages for the liaison offices. Questions on timing, staffing, privileges and immunities, and functions will be the subject of discussions with the Vietnamese. We plan to begin these talks in the near future. We welcome your views and will keep you and your staff apprised of significant developments.

In sum, President Clinton and all his top advisers believe that it is time to acknowledge the help of the Vietnamese. The February 3, 1994 decisions will encourage further efforts by demonstrating to Vietnamese leaders and the Vietnamese people that we will meet cooperation with reciprocal steps, that it is in their interest to continue helping us.

The families and loved ones of our missing Americans deserve answers. The President's actions mark a major milestone on a lengthy journey in pursuit of that goal. They represent a new beginning, a rededication to our ongoing labors.

Human Rights

Before concluding, let me cite two other important issues with Vietnam. My colleagues and I have raised these subjects regularly, including at the highest levels in Hanoi, and in Secretary Christopher's meeting last fall with Deputy Prime Minister Khai.

The first issue concerns American citizens who are incarcerated in Vietnam. We know of five such Americans, and are disappointed that we have only been granted access to one of them. Now, with the opening of an official U.S. office in Hanoi, we expect our discussions with Vietnam to lead to normal consular access in accordance with international practice and law.

The second issue is human rights. The just published State Department 1994 human rights report for Vietnam spells out our deep concerns. It states, in part, that the Vietnamese government "continued to violate human rights in 1993. The authorities continued to limit severely freedom of speech, press, assembly and association, as well as worker rights and the right of citizens to change their government."

In my December meetings in Hanoi, Vietnam agreed to hold regular bilateral discussions with us on human rights. These should commence later this month. We expect a constructive, productive forum in which we will continue to urge Hanoi to respect universal human rights, and release those detained for the peaceful expression of political or religious beliefs. I would note here our sustained, personal concern for the health of Dr. Nguyen Dan Que among others. We have raised his case on many occasions, most recently in my meeting last week with the Vietnamese Ambassador to the United Nations. We will continue to follow closely his fate and others in similar situations. The further exposure of Vietnamese society to outside trade, investment, people, information and ideas as a result of the President's decisions should work to open up the political system of Vietnam.

Vietnam clearly has far to go to improve its observance of human rights. Some actions by the Vietnamese leadership in recent years, however, have signaled their intention to reintegrate their nation in the world and contribute to the stability of the Southeast Asian region. As I already noted, the Vietnamese were a signatory to the Cambodia Peace Accords and have faithfully supported the implementation of the peace process. While the government's institution of economic reforms is clearly in Vietnam's self-interest, it has also had a positive impact on the region and drawn that nation more into the world trading community. The Vietnamese have also demonstrated a willingness to resolve their territorial disputes in the South China Sea with China and other Southeast Asian claimants in a peaceful and constructive manner.

Conclusion

Let me close with the words of President Clinton last Thursday:

"Whatever the Vietnam War may have done in dividing our country in the past, today our nation is one in honoring those who served and pressing for answers about all those who did not return. This decision today, I believe, renews that commitment and our constant, constant effort never to forget those until our job is done. Those who have sacrificed deserve a full and final accounting. I am absolutely convinced, as are so many in Congress who served there and so many Americans who have studied the issue, that this decision today will help to ensure that fullest possible accounting."

Mr. Chairman, members of this Committee: As we look back upon this time many years from now, perhaps the most significant dimension of the President's decision will prove to be psychological. Perhaps we have begun turning the pages of history. Perhaps we are moving toward eventual reconciliation with a former enemy. Perhaps for Americans, as one observer has put it, Vietnam will become a country, not a war. Perhaps we are further developing the President's vision of a new Pacific Community.

Above all, let us hope that -- whatever our differences about the war or how to resolve its lingering questions -- we have truly advanced the process of healing the wounds. May the families at last find answers. And may all Americans at last find peace.

Thank you very much.



STATEMENT BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE

SUBCOMMITTEE ON ASIA AND THE PACIFIC

OPEN HEARING ON POW/MIA ISSUES

(AS PREPARED FOR DELIVERY)

BY

EDWARD W. ROSS

ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE

(POW/MIA AFFAIRS)

WEDNESDAY JUNE 30, 1993

Mr. Chairman, Members of the House Foreign Affairs Committee Subcommittee on Asian and Pacific Affairs, on behalf of Secretary of Defense Aspin I am pleased to be here today to speak to you on the POW/MIA issue.

It has been over 20 years since 591 Americans were repatriated by the Vietnamese Government during Operation Homecoming. This event captured the hearts and minds of the American people and has not let go. Indeed, those who returned symbolized the strength of American character and their story has been told many times. There is another story that remains unfinished--the last chapter has not been written for the many Americans who did not come home from the war in Vietnam. The emotion this last chapter evokes in the families of the MIAs, the veterans who fought along side these men, and the American people is both profound and varied. Indeed, the very mention of this issue in almost any forum sparks heated debate.

Nevertheless, there is a positive story to tell and on behalf of the Department of Defense, I welcome this opportunity to inform you of what has transpired in recent months.

On January 13, 1993 the Senate Select Committee on POW/MIA Affairs submitted a comprehensive report based on an exhaustive study of the Government's handling of this issue. The committee's review, headed by Senators John Kerry and Robert Smith was the most thorough

conducted since the end of the war. It's findings were enlightening. I believe it is useful to summarize some of these findings here today.

On alleged conspiracy and cover-up theories, the Committee found: "There is at least one aspect of the POW/MIA controversy that should be laid to rest conclusively with this investigation and that is the issue of conspiracy...The isolated bits of information out of which some have constructed whole labyrinths of intrigue and deception have not withstood the tests of objective investigation; and the vast archives of secret U.S. documents that some felt contained incriminating evidence have been thoroughly examined by the Committee only to find that the conspiracy cupboard is bare."

On the issue of live Americans in Southeast Asia the Committee stated: "While the Committee has some evidence suggesting the possibility a POW may have survived to the present, and while some information remains yet to be investigated, there is, at this time, no compelling evidence that proves that any American remains alive in captivity in Southeast Asia."

Finally, on the overall effort of accounting for missing Americans, the Committee stated: "By far the greatest obstacle to a successful accounting effort over the past twenty years has been the refusal of the foreign governments involved, until recently, to allow the U.S. access to key files or to carry out in-country, on-site investigations . . . The accounting process has improved dramatically in recent years as a result of the high priority attached to it by Presidents Reagan and Bush; because of the success of

Gen, Vessey and the JTF-FA in gaining permission for the U.S. to conduct investigations on the ground in Southeast Asia; because of an increase in resources; and because of the Committee's own efforts, in association with the Executive branch, to gain greater cooperation from the Governments of Vietnam, Laos and Cambodia."

Since the termination of the Committee we have continued pressing to achieve our goal of the fullest possible accounting for missing Americans. President Clinton has confirmed his support of this issue as one of highest national priority and Secretary Aspin has ensured the implementation of this policy.

Our operations in Southeast Asia have continued to progress and improve. Today there are over 70 Americans on the ground in Vietnam conducting the 24th joint field activity. These activities are aimed at specific case investigation in the areas where individual incidents occurred. These operations are conducted by Joint Task Force-Full Accounting (JTF-FA) a CINCPAC element based in Hawaii with headquarters at Camp H.M. Smith. Commanded by Army Major General Tom Needham, JTF-FA has detachments in Bangkok, Hanoi, Vientiane and Phnom Penh. While we do conduct important activities in Cambodia and Laos, the majority of our efforts on the POW/MIA issue in Southeast Asia are focused on Vietnam. Accordingly, I will devote the remainder of my statement to our POW/MIA interaction with Vietnam.

The Vietnamese Government is well aware of the type of cooperation we require to achieve the fullest possible accounting. As you will recall, in

April of 1991 Assistant Secretary of State Solomon delivered the U.S. Government's policy regarding normalization of relations with Vietnam to the Vietnamese Ambassador to the United Nations. This policy, known as "The Roadmap" defined for the Vietnamese the type of information and POW/MIA resolution efforts that were a prerequisite to normalization. This process was broadly defined in the early stages and has narrowed considerably through an accelerated negotiation process involving the efforts of General Vessey, Assistant Secretary Solomon and Members of the Senate Select Committee on POW/MIA Affairs. At each meeting the cooperation we received was enhanced and expanded as we continued to build on our own operational process.

In January of 1992, General Vessey traveled to Hanoi and laid the foundation for five key areas of cooperation. These areas were archival access, live sighting investigations, accelerated investigation of 135 discrepancy cases, remains repatriation, and expanded trilateral cooperation. In March of 1992, the Vietnamese met with Assistant Secretary of State Solomon and committed to cooperating on these five areas. These areas became the benchmark of our bilateral POW/MIA efforts.

General Vessey has traveled to Vietnam twice since Assistant Secretary Solomon's visit. At each meeting, the General was able to obtain new agreements which supported or complemented the five areas. In April of this year General Vessey redefined the five areas into four areas. Through the process of negotiations and an acceleration of investigation of live sightings and last known alive discrepancy cases (LKA), the five areas

had "evolved" into four areas essentially by grouping our investigation of the live American issue into one category.

Also during his April meeting, General Vessey delivered to the Vietnamese a DoD assessment of the progress made on investigation of the 135 LKA cases--telling them we had confirmed the death of 43 of these individuals. He gained Vietnamese agreement to pursue the remaining 92 discrepancy cases through a new small team concept, the "priority case investigation team" (PCIT). The PCIT, currently in place in Hanoi, is essentially a full time effort aimed at investigation of the remaining 92 cases.

During this visit, General Vessey also received numerous new POW/MIA documents from the Vietnamese who were anxious to provide information which would present their position about their prisoner of war handling during wartime--which was recently brought into question by a document unearthed from Russian archives that alleged the Vietnamese held over 600 more prisoners than the 591 who returned at Operation Homecoming. This document has been referred to as "The 1205 Document." This document is still under analysis with the hope new information comes available from Vietnamese and Russian archives. We believe the information contained in the document regarding U.S. POWs and the number of Americans held by the Vietnamese in September 1972 is not accurate. While portions of the document are plausible, evidence in support of its accuracy is far outweighed by errors, omissions and propaganda that detract from its credibility.

Senator Kerry traveled to Hanoi twice in the past 45 days and gained Vietnamese agreement to establish a joint POW/MIA document center for compiling records and information about MIAs from both sides. Senator Kerry was also given several new documents.

The following are the four key areas of Vietnamese cooperation through which we strive to gain answers about individual MIA cases:

The first area is investigation of the remaining 92 "Last Known Alive Discrepancy Cases" (LKA) and Live Sighting Investigations (LSI): We aggressively seek to resolve the remaining 92 LKA cases through the PCIT mechanism. Resolution of these cases on a priority basis is the key to resolving the live prisoner issue in Vietnam. This mechanism is designed to work independently of and not interfere with the live sighting investigation and joint field activity mechanisms.

The second area is trilateral cooperation. The Vietnamese have agreed to conduct trilateral operations with the Government of Laos aimed at resolution of those cases which occurred along the Ho Chi Minh Trail and other areas of the Vietnam-Laos border where many Americans were lost. Although we have received verbal assurances of cooperation, implementation has yet to occur. We believe Vietnam holds the key to success in this area. We are optimistic about the prospects for future results from this effort.

The third area is the broadest category and entails access to archival information. This area is not limited to documents alone, but includes

museum artifacts, oral histories and witness interviews, bureau records, documentary films, and personal diaries etc... The Vietnamese have provided a steady flow of this type of information. Much of the information has been very helpful in confirming what our analysis had previously concluded. Some of the material has added pieces to some individual cases. The Vietnamese have been generally very cooperative on this issue. They have yet to provide, however, some specific records we have requested. For example, we believe the records of Group 875 of the General Political Directorate--the arm of the Vietnamese Government that handled Prisoners of war will be helpful in individual case resolution. We have asked for these records repeatedly. The area of archival research is perhaps the most difficult to judge and gage because we can not know with absolute certainty what archives actually exist. We will continue to pursue this area with the Vietnamese as we believe this is potentially the best area for finding answers about the fate of many of our MIAs.

The fourth area is the repatriation of the remains of missing Americans. The Vietnamese have yet to provide the remains of the 11 individuals where photographs from Vietnamese archives have confirmed death. We have repeatedly asked them for an explanation as to why, if they took the time to extensively photograph these persons at the time of death, can't they produce information concerning the disposition of the remains. At a minimum, these 11 cases and the discrepancy cases involving 31 individuals who died in captivity must be satisfactorily resolved with either remains repatriation or an adequate and convincing explanation of why they are not available.

From an operational perspective we believe the mechanism necessary for us to obtain the answers to achieve the fullest possible accounting is now in place. We are poised to capitalize on opportunities in Southeast Asia as the Governments of Indochina make them available. We are committed to this goal and will not rest until it is achieved. The most challenging aspect of this lies in explaining to the families of the 2253 unaccounted for Americans, veterans, members of Congress and the American people what constitutes the fullest possible accounting and how it will be achieved.

The process of achieving the fullest possible accounting will take a long time. Every MIA case must be investigated and we must ensure that all available information has been collected and thoroughly analyzed. Even then, not all cases will be resolved and it is not realistic to expect to bring the remains of all our MIAs home. This of course, is the most difficult aspect for us--conveying to the next of kin that despite our best efforts the answers still are not available. I assure you Mr. Chairman and members of this committee we will keep faith and continue to aggressively pursue the fullest possible accounting for as long as it takes.

Thank you for this opportunity. I will be happy to answer any questions you may have.

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HOUSE FOREIGN AFFAIRS COMMITTEE

STATEMENT OF

MAJOR GENERAL THOMAS H. NEEDHAM, U.S. ARMY

COMMANDER, JOINT TASK FORCE FULL ACCOUNTING

UNITED STATES PACIFIC COMMAND

BEFORE THE ASIA AND THE PACIFIC SUBCOMMITTEE,
HOUSE FOREIGN AFFAIRS COMMITTEE

ON UNITED STATES POLICY ON VIETNAM

FEBRUARY 10, 1994

Mr. Chairman and members of the committee:

Thank you for the opportunity to be here today. I look forward to explaining the efforts of my command to achieve the fullest possible accounting of those Americans still unaccounted-for as a result of the Vietnam War.

When I took command of Joint Task Force Full Accounting two years ago, I knew the mission before us was daunting: a difficult task -- and one that carried with it a great deal of emotion. The mission is straightforward: find out what happened to the men who did not return from Southeast Asia. But this task is far from simple: the ravages of war; the violent nature of some of the loss incidents; and the passage of time conceal the answers to many of our questions. In some cases, we may never know the answers. But we are determined to continue seeking those answers -- until we have achieved the fullest possible accounting.

From the beginning I have believed that achievement of the fullest possible accounting is a task that we, as a nation, need to confront on a basis of complete openness and honesty. I have spent two years doing exactly that. We have developed an organization and a mechanism which have already answered many questions. I am convinced, furthermore, that we will continue to answer many questions in the future.

An important measure of our progress is the resolution of discrepancy cases. Discrepancy cases are those in which we had compelling evidence that the individual may have survived his incident of loss. This is an area where the Vietnamese have provided outstanding support. The establishment of our in-country priority case investigation team is testimony to Vietnamese willingness to help us solve these vexing cases. The efforts of the priority case investigation team -- and the excellent support from its Vietnamese counterparts -- were central in providing the information and evidence necessary for the determination of fate of 62 individuals. Since January 1992, the number of discrepancy cases has been reduced from 135 to 73. We have a well-established live-sighting investigation mechanism in Vietnam. We have conducted more than 75 live sighting investigations there -- all since JTF-FA was established. Currently only a handful of reports require investigation in Vietnam.

The Vietnamese have placed a renewed emphasis on their remains amnesty program. This program calls upon Vietnamese citizens to turn in remains they may be holding. This increased emphasis has resulted in new remains being turned in to both Vietnamese officials and our teams. In addition, we have jointly established a new team, the Special Remains Team. This team pursues leads about Americans known to have

died in captivity, as well as others whose bodies have been identified as having been under the control of Vietnamese officials or citizens. The Special Remains Team has already located seven potential grave sites -- sites which will be excavated in the near future. Remains believed to be those of 102 Americans have been returned from Vietnam in the past two years -- 67 in 1993 alone.

Cooperation in conducting operations along the Vietnamese/Lao border is another important area. Many of our unaccounted-for servicemen were lost either in this border area between Vietnam and Laos, or in areas of Laos controlled by Vietnamese forces during the war. Our first trilateral operation was conducted last December. All reports received -- from our team leaders to Assistant Secretary of State Lord, who visited the operation -- were that Vietnamese cooperation was whole-hearted and sincere. This operation produced remains recoveries and new information; we are planning another trilateral operation for later this year.

Increased access to wartime documents is critical to our success. Resolution of many of our cases will be possible only if Vietnamese documents offer us new leads. Since July, the Vietnamese have intensified their efforts to locate and provide documents to U.S. analysts. The Ministry of Defense ordered all units to search for pertinent

materials and a special office was established to search for documents from Group 559, the organization which ran the Ho Chi Minh Trail logistics operation, and Group 875, which was responsible for administering POW camps. Vietnamese cooperation with our Oral History Program -- the effort to capture the memories of those who may have been involved with or knew of the Vietnamese prisoner system -- has been excellent. The Vietnamese have been very helpful, especially in their increased willingness to produce witnesses -- particularly senior-level members of their military hierarchy -- for interview. In addition, our Hanoi-based research-historian has been granted unescorted and unprecedented access to the Peoples Army of Vietnam military library.

In summary, increased access, increased cooperation, and increased assistance have been forthcoming from the Vietnamese in each of the four areas of discrepancy cases, remains, trilateral cooperation, and archival research. I have reported those findings to Admiral Larson, who himself visited the most recent joint field activity in Vietnam.

After two years of searching, we have not found credible evidence of American prisoners still alive in Southeast Asia. I do not know if there are any unaccounted-for Americans held alive in Vietnam or anywhere else in Southeast Asia. But -- as long as the possibility exists --

we will continue to search, to interview refugees and other potential witnesses, and to investigate live sighting reports. We must continue our efforts -- until we achieve the fullest possible accounting.

Thank you. I look forward to your questions.

Testimony of Al Santoli, historian

"The Ongoing U.S. Government POW/MIA Cover-Up"

Asia & Pacific Subcommittee of the House Foreign Relations Committee

February 10, 1994

Chairman Ackerman and Mr. Gilman:

Thank you for the opportunity to testify today. My statement is not based on either emotion or prejudice toward the U.S. military or the people of Vietnam. Rather it is based on more than 16 years of research as a historian, which has made me cognizant of the fact that the POW/MIA question is controlled by a mere handful of Vietnamese Communist Party leaders who have a long history of manipulating the issue, beginning with French POWs.

Crash site excavations in Vietnam and Laos by scores of young American soldiers make for great television and public relations images. However, it has little bearing on whether Hanoi or the U.S. Government are providing real answers. My concern is the **process** by which the Pentagon is rapidly closing out cases of American prisoners last known alive in Indochina. This problem involves 1) The lack of access by field investigators to still classified wartime signal intelligence archives. A small percentage of these documents were only made available during the past few years, after numerous MIA discrepancy cases and live sighting reports were written off based on incomplete information. 2) The lack of professional experience or competence of Joint Task Force Full Accounting investigators and commanders; and 3) the dubious results of forensic analysis of returned remains.

In addition, field investigators have not received adequate information regarding Vietnamese Communist policy to hold Americans for prisoner exchanges, even after 1973. Nor are they receiving from the CILHI Lab in

Hawaii the forensic analysis of returned or recovered remains which may have a direct impact on further investigation of other MIAs involved in the same incident.

For example, the remains of a pilot have been returned from an area of North Vietnam -- near Dong Vai prison -- where post-war satellite imagery indicates the presence of distress signals and authenticator codes. Although the remains of the pilot had scientific evidence of malnutrition consistent with long term confinement, the results of the forensic analysis performed on the remains was not passed to investigators who went to the same area of Vietnam to investigate the distress signals on the ground.

In some cases, the Vietnamese have returned the remains one crew member of a multi-crew aircraft, and U.S. forensic analysis shows that the individual was not involved in a crash. These results should have been given to field investigators before they went to the site to look for remains. Investigation on other crew members should be based on the possibility that they may have been captured instead of perishing in a crash. But it hasn't. This is why families are protesting the determination of death of numerous crew members based on the finding of one or two teeth at a crash site. And they are resisting group burials based upon comingled fragments of remains.

This is also a reason the families protested the removal of Dr. Ellis Kerley as the director of CILHI Lab. Dr. Kerley, the former dean of the American Academy of Forensic Science, does not believe that finding a tooth, in itself, is basis for determination of death. Dr. Kerley was replaced at CILHI in 1992 by a U.S. Army Lt. Colonel dentist, who has limited forensic experience.

Joint Task Force Fill Accounting officers, such as General Tomhas Needham and Lt. Colonel John Cray continually praise Vietnamese cooperation, while they rapidly write off discrepancy cases. Their findings are based on

investigations by young infantry and artillery officers and forensic examinations conducted by young army dentists. At the same time, experts such as Bill Bell, the former senior Pentagon field investigator, and Dr. Kerley have been forced out of the process. This highly technical investigative process has been purposely delegated to inexperienced infantry and artillery officers who are under direct command influence, rather than an independent commission capable of rendering objective findings.

The JTFFA investigative process -- similar to the military's scandalous investigations of Agent Orange, the Atomic Veterans and Tail Hook, and the 1993 document shredding in Bangkok -- is tragically flawed. Included as part of my written testimony is the Army's biography of Lt. Colonel John Cray who assumed leadership of the JTFFA Vietnam Detachment in 1993. Like all other JTFFA Detachment commanders, Cray has no intelligence background, no previous experience in POW/MIA investigations, no area studies training in Southeast Asia and only brief language training prior to assignment. And he has little knowledge of classified CIA and NSA communications intercept archives to compare the information he receives from the Vietnamese.

Senior Defense Intelligence Agency analysts, including Robert DeStatte the chief analyst in Hanoi, have made numerous blatantly false and misinformed testimonies before Congressional panels. Despite their lack of credibility, most of these men have worked the MIA issue for two decades. Although Senator Bob Smith's request for a perjury charges against these men was turned down by the Clinton Justice Department, it merits a full Congressional probe.

Recently, General Needham's Joint Task Force took Maj. Victor Padoca's name off of the "discrepancy case" list. This was not because they found him alive, recovered his body or received irrefutable evidence regarding

his fate. Instead, the JTFFA closed the investigation because the Vietnamese provided no further information about his case.

This JTFFA finding totally ignores the sworn testimony of Jerry Mooney, a former National Security Agency [NSA] cryptologist before the Senate Select Committee that the NSA had intercepted Vietnamese military communications that Major Apadoca and/or his co-pilot were captured. Mooney's credibility was supported by senior Select Committee intelligence analyst, [REDACTED], who claims, "I found lots of data in the NSA files to substantiate Mooney's testimony. Some radio intercepts mention names of specific captured pilots."

Mr. Chairman, Senate Select Committee investigators express frustration that the Committee disbanded before they could look through a large amount NSA records which could shed further light on numerous POW/MIA cases. In addition, there are archives of other Air Force, CIA and NSA intercept programs that existed until the 1975 Communist victory, that have yet to be declassified or adequately examined by non-biased experts.

Recently, the American Legion has filed a Freedom of Information Act request for records of a CIA/ NSA/ Air Force intercept program called "Cold Spot." This program included ground intercepts of North Vietnamese and Laotian military and political radio communications, as well as possible airborne intercepts.

In addition, until 1975 the U.S. Army Security Agency, in cooperation with NSA, conducted a massive intercept program out of Ubon, Thailand, with decoding conducted at Ben Hill Farms in Warrenton, Virginia. At the same time, there was a combined microwave and airborne intercept program conducted out of Nakhon Phanom, Thailand. Earlier U.S. airborne communications intercept programs such as "Olympic Torch" and "Comfy

Gator," conducted out of Thailand intercepted numerous messages related to the shutdown, capture and transport of American prisoners.

The CIA has responded that they don't have records of a Cold Spot program. However, highly credible former intelligence officials claim that such an intercept operation did exist. Twenty years after the end of the war, there is no valid reason for records of any intercept programs to remain classified. Mr. Chairman, I am asking the members of your Subcommittee to assist the Legion to rapidly obtain all communications intercept records relevant to POW/MIAs, from any agency, whether filed under the operational name of Cold Spot or any other program before or after 1973.

In addition, U.S. officials have often debunked radio intercepts related to MIAs collected by allied forces in Southeast Asia. However, the debunkers have never conclusively disproved the validity of the intercepts. The facts that the intercepts may be collected by other countries or that they do not exist on tape recordings should not constitute proof that they are not valid. In the absence of U.S. collection, we need to thoroughly examine them to see if they correlate to other intelligence information.

Mr. Chairman, to successfully conclude the POW/MIA tragedy, a non-biased independent commission of experts must be created to conduct oversight of the Pentagon and other U.S. Government agencies' who are involved with POW/MIA investigations. In addition, the 1942 law regarding Prisoner of War determinations must be revised to permit families of POW/MIAs to a credible appeal process if they have documents, eyewitnesses or forensic evidence that challenges government determination of death or closing down cases without the fullest possible accounting.

Thank you.

BIOGRAPHY
LIEUTENANT COLONEL JOHN C. CRAY

LTC John C. Cray was born in New York on 20 February 1951. He received his regular Army commission from the University of Cincinnati in 1973. He received a Bachelor of Arts Degree in Political Science.

From 1974 to 1978, LTC Cray served as rifle and scout platoon leader, Brigade S3 Air, Company Executive Officer, and Company Commander with the 325 Infantry, 82nd Airborne Division. From 1979 to 1982, LTC Cray served as Adjutant, Company Commander, and Assistant Operations Officer with the 2d Battalion (Ranger), 75th Infantry at Fort Lewis. While assigned to USA MILPERCEN from 1982-1985, LTC Cray served in OPMD as Special Distribution Plans Officer and as Chief, Assignments Officer for Infantry Captains. He later served with the 25th Infantry Division (LIGHT) at Schofield Barracks, Hawaii, where he worked as Battalion Executive Officer, G3 Air/Edre, Deputy G3, and Brigade S3. LTC Cray's most recent assignment was as the Commander of 2d Battalion (IOBC), 11th Infantry Regiment from February 1991 until February 1993.

LTC Cray's military schooling includes the Infantry Officer Basic and Advanced Courses, Airborne, Ranger, Jumpmaster Courses, and the Command and General Staff College. He holds a Master's Degree in Business Management from Central Michigan University.

His awards include the Meritorious Service Medal with Four Oak Leaf Clusters, the Army Commendation Medal, the Master Parachutist Badge, the Expert Infantryman's Badge, and the Army Ranger Tab.

LTC Cray and his wife, Kathy, have two children, Cheryl and John Adam.

currently JTFFA DETACHMENT CO,
 HANOI.

Committee of Foreign Affairs
Sub Committee on Asian Pacific Affairs

Committee Members,

Thank you for this opportunity to speak before you today.

I believe I know now how my brother felt when he was left behind the first time in 1967.

Having first put my hopes into a committee that never even followed through with its own recommendations and secondly, placing my faith in a president who has broken his promise. I feel abandoned and betrayed. How much more so the men we left behind again?

I was not aware of the circumstances surrounding my brothers loss until 1992. I will not go into my feelings towards the Marine Corps and the Pentagon for having forgotten to pass on to my family the information they had about my brother. However, I will tell you I do not accept their apology or their explanation.

That aside, my purpose for appearing before you today is, hopefully, to show you what I believe to be Vietnam's lack of cooperation in resolving the fate of my brother.

My brother L/CPL. Kenneth L. Plumadore USMC was left behind on the battle field along with 14 other Marines on September 21st, 1967. He was declared KIA/BNR. Nineteen days later his unit returned to the area and recovered the remains of 14 Marines. Kenny was still KIA/BNR.

In April 1986 Vietnam returned a set of remains that they stated were the remains of a soldier they had captured on September 21st, 1967, who subsequently died seven days later in a prison hospital at Vin Linh.

When I was made aware of this information in June 1992, the first question I asked the casualty officer was "What is the likelihood that the remains recovered in 1967 were misidentified and my brother was buried in someone else's grave?"

The reply from CIL-HI was that was not very likely. The returned remains did not correlate to any of the 15 Marines left on the battlefield.

I have some very straight forward questions I want Vietnam to answer.

What records did they use in 1986 to associate the returned remains of the soldier they said they captured in 1967 to the Con Thien incident?

Where are the personal effects - I.D., jewelry etc. taken from the POW in 1967?

Where were the remains kept from 1967 till 1986?

The statements provided by Vietnamese witnesses to the September 21st, 1967 battle and subsequent capture are not consistent with our own Intelligence data at that time.

Witnesses stated the prisoner was placed by a culvert which sustained a direct hit by artillery or bomb. Our Intelligence said the prisoner had arrived at the DMZ alive!

One would think that my brother being a priority case for investigation, that at least some information would have been obtained during the 1993 JTFFA investigations.

However, I was told there was no new information in Kenny's file for all of 1993. Either our Government did not ask questions or the Vietnamese refused to answer. Something is terribly wrong here.

I have dreams of my brother turned old and crippled from torture and captivity. I have dreams of sneaking into graveyards, digging up the graves of other Marines looking for my brother.

Will I ever know what Vietnam knows about my brother? Will my questions ever be answered or an explanation be given as to why they cannot be? Until then the nightmare continues...

Patricia Plumadore
Sister - POW/MIA Kenneth Plumadore

**Chronology of Events concerning
L/CPL Kenneth L. Plumadore USMC**

JTFFA Case# 0839
POW / MIA 9/21/67

- 9/27/67 Family notified CPL. Plumadore KIA, body not recovered.
- 10/10/67 2nd BN 4th Mar Regt. launches recovery OP-Plumadore still KIA/BNR
- 7/15/68 Peter Hurkos tells Mrs. Plumadore her son is alive and prisoner in China
- 7/25/68 Friends of family write Senator Javits & Congressman Hanley.
- 8/20/68 Reply to Congressional Inquiry States plumadore not on POW list.
- 2/26/86 Casualty Officer visits Plumadore home. States facts are same as in 1967.
- 1988 Sister begins searching for former 2/4 members who knew Ken.
- 4/3/91 Sister receives reply from former 2/4 Commander Col. Hammond
Sister subsequently learns CPL. Plumadore was the only MIA from action on 9/21/67 - NOT ONE OF SEVERAL.
- 7/1/91 Sister asks Congressman Walsh and Senator D'Amato for assistance.
- 7/23/91 Congressman Walsh receives reply from stating CPL Plumadore was never POW/MIA - Senator receives same.
- 5/28/92 USMC sends sister JTFFA case narrative - Ken Plumadore had been captured alive!
- 6/92 USMC tells sister they are sorry they forgot to inform her family of the information they had about L/CPL Plumadore.
- 12.3/92 Sister testifies before Senate Select Committee.
- 7/8/93 USMC tells family that Plumadores' case has been assigned to a priority Investigation Team (PCIT).
- 12.20/93 After several inquiries, sister is told that there was no new information received in ALL of 1993.

The Plumadore family and DIA formulated several questions concerning L/CPL Plumadore.

Either the questions were NOT asked by our Government or the Vietnamese REFUSED to answer them.

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DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D. C. 20380

REPORT OF CASUALTY		REPORT NUMBER AND TYPE 3687-67 FINAL CBH/vd	DATE PREPARED 29Sep67
SERVICE IDENTIFICATION (Name, Service Number, Grade or Rate, Component, Branch and Organization)		CO F 2DBN 4THMAR 3RD MARDIV (REIN) FMF FPO SFRAN 96602	
PLUMADORE Kenneth Leo 2256131/0311 LCPL USMC			
1. STATUS ☒ BATTLE ☐ NON-BATTLE KIA			
Died 21Sep67 vicinity Quang Tri Province (01) Republic of Vietnam result gunshot wounds thru and thru chest from hostile rifle fire while participating in action against hostile forces			
BODY NOT RECOVERED			
2. DATE AND PLACE OF BIRTH, RACE, RELIGIOUS PREFERENCE, AND DATE OF RECORD OF EMERGENCY DATA 28Jan49 Syracuse NY Cau C 22Oct66			
3. DATE AND PLACE OF LAST ENTRY ON ACTIVE DUTY IN CURRENT STATUS AND HOME OF RECORD AT TIME 21Feb66 Syracuse NY Syracuse Onondaga NY			
4. SOCIAL SECURITY NUMBER, PAY GRADE, LENGTH OF SERVICE FOR PAY, BASIC PAY, INCENTIVE PAY 068-40-0928 E-3 Under 2 BP 121.80 HFP 65.00 FDP 9.00			CHECK IF APPLICABLE ☐ CREW ☐ NON-CREW
5. DUTY STATUS ACTIVE: On Duty			
6. INTERESTED PERSONS (Name, Address, Relationship)			Footnotes
Mrs Hazel M Plumadore 124 Mayar St			Moth 1
Mrs Patricia M Strauts 266 Bryant Ave			Sis
Mr Kenneth L Plumadore Deceased			Fath
7. REPORT FOR VA TO FOLLOW ☐ YES ☒ NO			
8. REPORTING COMMAND REPORT RECEIVED IN DEPARTMENT CG THIRD MARDIV 261535Z SEP67 RCD 26Sep67			
9. SELECTIVE SERVICE NUMBER, LOCAL BOARD, AND LOCATION OF BOARD, enter date and place of first entry in Armed Services Same As Item #4			
10. PRIOR SERVICE DATA ☐ YES ☒ NO			
11. REMARKS SGLI \$10,000.00 COVERAGE CASE REVIEWED OCT 5 1967 SRB DESTROYED BY AIRPLANE CRASH ON 30CT67 NO CLAIM FORMS SENT ADVISE THIS HEADQUARTERS OF ACTION TAKEN IN THIS MATTER. M. L. SERENS, 1stLt, USMC			
FOOTNOTES: 1. Excludes sons of Gen. 2. Excludes for gratuities pay in event there is no surviving wife or child - as designated on record of emergency data. 3. Excludes for unpaid one and one-half months pay in event there is no surviving wife or child - as designated on record of emergency data.			
12. DISTRIBUTION B		13. SIGNATURE M. L. SERENS, SECOND LIEUTENANT, USMC HEAD, CASUALTY SECTION ASSISTANT TO PERSONAL AFFAIRS BRANCH BY DIRECTION OF THE COMMANDANT OF THE MARINE CORPS	

The Honorable Jacob Javits
United States Senate
Washington 25, D. C.

My dear Senator Javits:

It is difficult to know how to begin this letter, or whether or not it can do any good.

Mrs. William Mackey of 141 Mooney Avenue, Syracuse, New York, a friend and co-worker of mine, told me of an incident which happened to a friend of hers just recently. Her friend is Mrs. Hazel Plumadore of Syracuse, New York, who is aware that this letter is being written.

First of all, we will give you a short background of Mrs. Plumadore. Mrs. Plumadore is a widow. Her only son, Kenneth Plumadore, was killed in Viet Nam on or about September 21, 1967. Upon learning of her son's death, Mrs. Plumadore suffered a severe heart attack.

On May 30, 1968 Kenneth Plumadore was awarded the Bronze Star posthumously, and it was on this date that his mother finally was able to accept the fact that her son was dead.

During the week of July 15, 1968, Mrs. Plumadore went to the Three Rivers Inn, which is just outside of Syracuse, New York. They were featuring Mr. Peter Hurkos. Mr. Hurkos is, supposedly, an expert in extrasensory perception.

Mrs. Plumadore was on the stage with Mr. Hurkos, and gave him a picture of her son, face down. Mr. Hurkos identified the picture as her son, and told her that she thought her son was dead.

He then told Mrs. Plumadore the injuries her son received, which were chest, shoulder and leg wounds. He told her that his buddies left him in the belief that he bled to death.

Mr. Hurkos described to Mrs. Plumadore a ring that her son was wearing, a ring that she had given to him just before he went into the Marine Corps.

He told her that her son had called out to a person named John that he had been hit, and asked him to help, and that this person (John) would be able to tell her that.

Then Mr. Hurkos proceeded to tell Mrs. Plumadore that her son was alive. He said that his buddies left him for dead, but that he was not dead. He told her that his body was found by the Chinese, taken to China, and that he was in a prison camp there.

(CON'T.)

Mr. Hurkos said that he could see Kenneth Plumadore walking with iron shackles on his hands and feet in the prison camp in China.

Mrs. Plumadore was, understandably, shaken.

After the show, Mrs. Plumadore made an appointment to have a private reading, and this was scheduled for July 22, 1968. The private readings are for one-half hour, and the cost is \$50.00.

On July 19, 1968 Mrs. Plumadore called her Congressman, Representative James Hanley. He went to her home and talked with her, and told her that he would check on Mr. Hurkos, and make every effort to find out the truth.

On July 22, 1968 Mrs. Plumadore sent her daughter, Patricia, to the private reading, as she was somewhat fearful of going herself.

At the private reading, Mr. Hurkos reiterated that Kenneth Plumadore was alive, and a prisoner in a Chinese prison camp.

We realize that Representative Hanley will do all he can, and we are writing to you, as well as to several others, in hopes that better results can be obtained.

What we expect to gain by this letter is an investigation into Mr. Hurkos' statements, because we feel that this is a dreadful experience for any person to undergo.

We do understand the implications of any American serviceman being held prisoner in China, and the consequence of same.

Also, would you kindly inform us if there is anything that we, as private American citizens, can do in a situation of this type.

Thanking you, in advance for anything you may be able to do, we remain

Very truly yours,

Winifred A. Keogan

(Miss) WINIFRED A. KEOGAN

and

Etta Mackey

ETTA MACKEY

Mrs. William Mackey

P.S. Also, in passing, we would like to inform you that neither Kenneth Plumadore's body, nor his personal effects, were ever recovered.

Congress of the United States
House of Representatives
Washington, D.C. 20515

August 20, 1968

Mrs. Hazel Plumadore
124 Mayan Street
Brooklyn, New York, 11208

Dear Mrs. Plumadore:

In the temporary absence from this office of The Congressman during the recess of the Congress, I am taking the liberty of sending you the enclosed report.

In view of your unsettling experience with Mr. Peter Herkos, I requested the Marine Corps Headquarters to check all available prisoner of war lists and as you can see your son's name was never listed.

I hope that this report will help to confirm the situation and will help to alleviate your doubts and anxieties as a result of your conversation with Mr. Herkos.

If there is any further manner in which this office may be helpful to you, do let us know.

With warmest regards, I remain

Sincerely yours,

John F. Mahoney

John F. Mahoney
Administrative Assistant

Mfrc
Enclosure

19 AUG 1968

Honorable James M. Hanley
House of Representatives
Washington, D. C. 20515

Dear Mr. Hanley:

This is in further reply to your letter of 22 July 1968 regarding the late Lance Corporal Kenneth L. PLUMADORE, 2256131, U. S. Marine Corps.

A review of the records on file at this Headquarters reveals that Lance Corporal Plumadore died on 21 September 1967, in the vicinity of Quang Tri Province, Republic of Vietnam. He sustained gunshot wounds to the chest as the result of rifle fire while engaged in action against hostile forces. During a battalion search and destroy mission, the battalion came under intense rifle and mortar fire from a numerically superior force inflicting heavy casualties. The companies withdrew from the conflict and a number of dead and wounded were removed by available personnel; however, Lance Corporal Plumadore's remains were among those that were not recovered. Attempts to recover his remains were continued.

Personal notification of the above was made to Mrs. Plumadore by a Marine Corps Representative from the Inspector-Instructor Staff, 4th Tank Battalion, U. S. Marine Corps Reserve, Syracuse, New York, followed by a telegram from General Greene, released on 27 September 1967, confirming the information previously provided.

Mrs. Patricia M. Stauts, sister of Lance Corporal Plumadore, was also informed by a telegram from General Greene, on 27 September 1967.

On 17 October 1967, additional remains were recovered and positively identified. It is regretted, however, that Lance Corporal Plumadore's remains were not among those recovered.

Due to the heavy exchange of fire between hostile and friendly forces that prevailed during that encounter, it was determined that several remains were consumed by the artillery and air supporting weapons fire and further recovery efforts would prove fruitless.

Mrs. Plumadore's patience and forbearance during these trying times are appreciated and she may be assured that the Marine Corps continually strives to do all that is possible to alleviate the suffering and anxieties endured by the families of our Marines, especially so, in instances such as these.

Throughout the course of the hostilities in Vietnam, the American National Red Cross, working through the International Committee of the Red Cross and other avenues, has explored every possible means to establish communication and a basis for discussion with the North Vietnamese and the National Liberation Front regarding the prisoner of war question. Thus far, their efforts have produced extremely limited results.

The records of this Headquarters and other government sources regarding prisoners of war in Vietnam do not reveal the name of the late Lance Corporal Plumadore as ever having been a prisoner of war in Vietnam.

As a matter of information, the President posthumously awarded Lance Corporal Plumadore the Bronze Star Medal with combat "V" for his heroic achievement during the encounter that took his life. The citation reads as follows:

"For heroic achievement while serving as a Rifleman with Company F, Second Battalion, Fourth Marines, Third Marine Division (Reinforced), in the Republic of Vietnam on 21 September 1967, Lance Corporal Plumadore was a member of a squad conducting a sweep when a barrage of devastating fire was delivered upon the unsuspecting Marines, inflicting many casualties. Immediately, with complete disregard for his own safety, he went to his seriously wounded squad leader to render medical aid. After dressing the wounds of his squad leader, he began moving, under the hail of deadly enemy fire, to aid other wounded Marines, until he was hit by enemy fire and

DNA-mis

mortally wounded. By his dauntless courage, initiative and selfless efforts in behalf of his fellow Marines, Lance Corporal Plumadore served to inspire all who observed him and upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

On 24 April 1968, the above medal and citation were forwarded to the Director, 1st Marine Corps District in New York for presentation, at an appropriate ceremony, to Mrs. Plumadore.

Information received at this Headquarters confirms that all of Lance Corporal Plumadore's personal effects, which were located in Vietnam or stored on Okinawa, were shipped to Mrs. Plumadore and receipted for by her, on 4 January 1968.

The above information has also been provided the Honorable James M. Hanley in response to his letter of 22 July 1968.

Your interest in matters pertaining to Marine Corps personnel is appreciated and I trust that the foregoing information will be of assistance to you.

Sincerely,

LAWRENCE F. SNODDY, Jr.,
Colonel, U.S. Marine Corps
Assistant Director of Personnel



UNITED STATES MARINE CORPS
INSPECTOR-INSTRUCTOR STAFF
COMPANY B (REIN)
8TH TANK BATTALION, FMF USMC
MARINE CORPS RESERVE TRAINING CENTER
P.O. BOX 36, EAST MOLLOY & TOWNLINE ROAD
SYRACUSE, NEW YORK 13211

IN REPLY REFER TO:
3040
ADMIN
26 Feb 1986

From: Inspector-Instructor
To: Commandant of the Marine Corps (Code MHP-10), Headquarters, U.S.
Marine Corps, Washington, D. C. 20380
Subj: LANCE CORPORAL PLUMADORE, KENNETH L. SER# 2256131/0311 USMC; CASUALTY
ASSISTANCE OF NEXT OF KIN OF UNACCOUNTED FOR MARINE CASE OF
Ref: (a) CMC ltr MHP-10-3 over 3040 dtd 15Jan86
Encl: (1) CACO Fact Sheet
(2) Optional Disclosure Form signed by Miss Patricia Plumadore

1. In accordance with the reference, the unit's casualty assistance officer contacted and visited Miss Patricia Plumadore the sister of Lance Corporal PLUMADORE. She confirmed the information stated on the fact sheet (enclosure (1)) and informed this officer that her mother Mrs. Hazel Plumadore lived at that address but was currently in poor health and being hospitalized. Miss Plumadore also at that time filled the Optional Disclosure Form (enclosure (2)). She also was given a copy of the DD Form 1300 of her brother. The MIA booklet and change of address card was also left with her.

2. Point of contact for this unit is Captain D. W. CARLSON commercial (315) 454-9577.

D. W. Carlson
D. W. CARLSON

Copy to: 1st MCD, Garden City, LI, NY Casualty Section

U.S. NAVAL ACADEMY ALUMNI ASSOCIATION
ALUMNI HOUSE, ANNAPOLIS, MARYLAND 21402-5068

3 April 1991

JAMES W. HAMMOND, JR.
COLONEL U S M C (RET)
DIRECTOR OF PUBLICATIONS
(301) 263-4489

Dear Miss Plumadore,

Your letter was waiting for me at home when we returned from Camp Pendleton, California. We had been out there visiting our daughter-in-law and grandson. My son is "out of town." He is a captain of Marines. His brother is a pilot in the Far East.

I ask your indulgence in my typing this. It is not because I am too lazy to write but rather that my handwriting is not the easiest to read and I find I type much better than I write.

I have enclosed two items which will give you some feeling for what occurred on 21 September 1967 and on other days as well. I sense that you would like to know of some of your brother's experiences. Since I had almost 1,000 Marine in the battalion, I did not know all of them. I did not know your brother. I did not know LCpl. Barker although his older brother and I had been captains together.

I am disturbed by your statement that your brother's body was not recovered. To my knowledge all dead were recovered when we subsequently returned to the enemy position. I am going to try to contact the Company F Commander who I last heard of in Quantico and one of the lieutenants in the Company who my son told me was in Camp Pendleton at the beginning of the year. When I do I will be in contact with you again.

This is pretty skimpy information but I wanted to get my reply off to you as quickly as possible inasmuch as it was delayed by my being away when it arrived.

It may be extremely belated to offer my deepest sympathy and sorrow at your loss but believe me it is sincere.

Sincerely,


James W. Hammond, Jr.

Congress of the United States
House of Representatives
Washington, DC 20515

July 11, 1991

Ms. Pat Plumadore
616 Plymouth Dr.
Syracuse, New York 13206

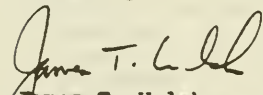
Dear Ms. Plumadore,

I have just been notified by Capt. Scarboro, Congressional Liaison for the United States Marine Corps, that they are investigating the official status of your brother's casualty listing. They will notify me of the results when completed.

I will contact you as soon as I receive information. In the meantime, if you have any questions please contact my district director, John McGuire, at tel. 423-5657.

Best wishes.

Sincerely,



James T. Walsh
Member of Congress



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001

The Honorable James T. Walsh
Member, United States House of
Representatives
P.O. Box 7306
Syracuse, NY 13261-7306

Attention: John McGuire

Dear Mr. Walsh:

This responds further to your letter of June 20, 1991, concerning the late Lance Corporal Kenneth L. Plumadore, U.S. Marine Corps.

Lance Corporal Plumadore was never listed as missing in action. His official status is, and has been, killed in action/body not recovered. The symbol after his name on the Vietnam Veterans Memorial indicates that Lance Corporal Plumadore's remains were never recovered, but his death was confirmed.

Lance Corporal Plumadore's death occurred on September 21, 1967, in the vicinity of Qang Tri Province, Republic of Vietnam, when he sustained gunshot wounds to the chest as the result of rifle fire while engaged in action against hostile forces. During a search and destroy mission, Lance Corporal Plumadore's unit came under intense rifle and mortar fire from a numerically superior force and suffered heavy casualties. The unit withdrew from the conflict, and a number of dead and wounded were removed by available personnel. Regrettably, Lance Corporal Plumadore's remains were not among those recovered, nor were they among remains later recovered from the area. Due to the heavy exchange of fire between hostile and friendly forces, it was determined that the remains of several Marines had been consumed by artillery and air supporting weapons fire, and that further recovery efforts would have proven fruitless.

Lance Corporal Plumadore's sister, Patricia, was notified of his death and that his remains had not been recovered by telegram on September 27, 1967. His mother received personal notification by a Marine Corps representative, followed by a telegram.

As a matter of information, the President posthumously awarded Lance Corporal Plumadore the Bronze Star Medal with combat "V" for his heroic achievement during the encounter that took his life.

I regret a more favorable reply cannot be provided, and hope this information will be of assistance to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. E. Wood".

L. E. WOOD
Head, Special Correspondence
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001

Miss Patricia Plumadore
616 Plymouth Drive
Syracuse, NY 13206

Dear Miss Plumadore:

In keeping with the U.S. Government policy of passing on to the next of kin of missing or unaccounted for servicemen any information received, the attached information regarding your Brother, the late Lance Corporal Kenneth L. Plumadore, U.S. Marine Corps is provided. We will keep you informed of any actions resulting from this information.

If you have any questions regarding this material, please contact Gunnery Sergeant Ernesto Bent of Headquarters, U.S. Marine Corps at (703) 696-2069.

Sincerely,

K L Baker

K. L. BAKER
Captain, U.S. Marine Corps
Administrative Officer
Casualty Section
Personal Affairs Branch
Human Resources Division
By direction of
the Commandant of the Marine Corps

Encl:

(1) JCRC report of February 1992



JOINT TASK FORCE FULL ACCOUNTING
NAS BARBERS POINT, HAWAII 96862

CASE 0839-0-01

NARRATIVE

ON 21 SEPTEMBER 1967, LANCE CORPORAL KENNETH L. PLUMADORE, COMPANY F, 2D BATTALION, 4TH MARINE REGIMENT, 3RD MARINE DIVISION, WAS WOUNDED DURING COMBAT WITH PEOPLES ARMY OF VIETNAM FORCES IN THE VICINITY OF GRID COORDINATES YD133699, APPROXIMATELY 14 KILOMETERS NORTHWEST OF DONG HA, QUANG TRI PROVINCE. DUE TO THE INTENSE HOSTILE FIRE, HIS UNIT WAS FORCED TO WITHDRAW LEAVING LANCE CORPORAL PLUMADORE AND FOURTEEN OTHER SOLDIERS BEHIND. ON 10 OCTOBER 1967, THE AMERICAN FORCES RETURNED TO THE BATTLE AREA AND RECOVERED THE REMAINS OF 14 INDIVIDUALS. AMERICAN FORCES LEARNED THAT PAVN FORCES CAPTURED THE 15TH INDIVIDUAL AND TOOK HIM AWAY IN THE DIRECTION OF VINH LINH. ON 19 APRIL 1986, VIETNAM RETURNED THE REMAINS OF A PERSON PURPORTEDLY CAPTURED DURING THE SAME ENGAGEMENT IN WHICH LANCE CORPORAL PLUMADORE WAS LOST. HOWEVER, THE REMAINS WERE NOT THOSE OF LANCE CORPORAL PLUMADORE.

PERTINENT DATA ARE AS FOLLOWS:

NAME: PLUMADORE, KENNETH LEO
RANK: LANCE CORPORAL, U.S. MARINE CORPS
DATE OF BIRTH: 28 JANUARY 1949
RACE: CAUCASIAN
HEIGHT: 1.85 METERS
WEIGHT: 80.2 KILOGRAMS
HAIR: BROWN
EYES: HAZEL

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001



The Honorable James T. Walsh
Member, United States House of
Representatives
P.O. Box 7306
Syracuse, NY 13261-7306

AUG 24 1992

Attention: John McGuire

Dear Mr. Walsh:

This responds further to your letter of July 8, 1992, to General C. E. Mundy, Jr., concerning the late Lance Corporal Kenneth L. Plumadore, U.S. Marine Corps. I am answering on behalf of General Mundy.

No evidence exists in Lance Corporal Plumadore's Marine Corps casualty file to suggest that his death did not occur on September 21, 1967, on the battlefield near Con Thien, Republic of Vietnam. Lance Corporal Plumadore was never listed as missing in action. His official status was, and is, killed in action (KIA)/body not recovered (BNR).

On September 21, 1967, Lance Corporal Plumadore was serving with Company F, 2d Battalion, 4th Marines. During a search and destroy mission near Con Thien, the battalion suffered heavy casualties when it came under intense mortar, small arms, and heavy machine-gun fire. In the early stages of this attack, Lance Corporal Plumadore received a mortal "through and through" chest wound at extremely close range. The intensity of the battle forced the battalion to withdraw from the conflict. During the withdrawal, a number of dead and wounded were removed from the area, but Lance Corporal Plumadore's remains were not among those recovered. He was one of 15 KIAs left behind. Subsequently, U.S. mortar, artillery, and air strikes were called in on the enemy position.

On October 10, 1967, the battalion mounted an operation to recover its dead from the battlefield. Of the 15 Marines left behind, only 14 sets of remains were recovered. Though all were severely mutilated or dismembered, 12 of the remains were immediately identifiable, while the other two were problematic. Neither, however, proved to be those of Lance Corporal Plumadore, and it was thus concluded that his remains had been consumed by exploding ordnance on the battlefield. His status was appropriately listed as KIA/BNR, and his family was so notified.

The first indication that someone may have survived that battle did not occur until April 10, 1986, when the Socialist Republic of

Vietnam (SRV) returned a set of remains to U.S. control. The SRV indicated that the deceased had been captured near Con Thien on September 21, 1967, and had expired in a field hospital on September 27, 1967. After investigating the matter, the Defense Intelligence Agency (DIA) concluded that a U.S. serviceman probably had been captured near Con Thien on September 21, 1967, had been moved out of the area, and died a few days later in an enemy hospital.

The Central Identification Laboratory in Hawaii (CILHI) ¹⁰ also conducted an investigation. To date, the CILHI has not identified the repatriated remains, but it has determined that they are not those of Lance Corporal Plumadore. The remains are those of a shorter, older individual, and the teeth did not match.

Unfortunately, the Marine Corps did not inform Lance Corporal Plumadore's family of the foregoing, nor did we document this development in his records. This was not in keeping with our policy of providing all material information concerning KIAs to the next of kin, and I regret the difficulties the Plumadores have experienced as a result of our error.

Questions remain concerning the historical information concerning the battle in which Lance Corporal Plumadore was killed and the subsequent recovery effort. Clearly, the battalion was not aware that an individual had purportedly survived and been captured by the enemy when the command chronologies were written. In those chronologies, total KIAs included BNRs. The historical account of the recovery effort is based on the comments of the battalion commander, and it is his opinion that all remains were recovered. While it is most certainly Marine Corps policy to recover our dead, the battalion commander's knowledge of the recovery effort may not be first hand, and it is not consistent with the SRV's account of the repatriated remains.

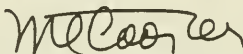
In 1991, the Joint Task Force-Full Accounting (JTF-FA) created documents for use in negotiating with the SRV. These documents, or narratives, were the U.S. Government's "current focus" cases, or those the Government believes the SRV should have some knowledge of. Lance Corporal Plumadore's case was one of more than 40 Marine Corps cases that met the criteria of a "current focus" case. The narratives concerning these cases were supposed to contain factual historical data only, which had already been provided to the families of the individuals. This was not true in the case of Lance Corporal Plumadore. Some of the information pertaining to him was erroneous, and some had not previously been provided to his family.

The JTF-FA delivered copies of the narratives to the Casualty Section of this Headquarters, requesting that we forward them to the concerned family members. Regrettably, because of the urgency of the delivery requirement and the volume of information, the details of each case were not confirmed. Ms. Patricia Plumadore received a copy of the JTF-FA report with our letter of May 28, 1992. This was her first indication that someone may have survived the battle in which her brother was reportedly killed. I truly regret the renewed grief Ms. Plumadore has experienced as a result of this information.

On June 10, 1992, Ms. Plumadore telephoned our Casualty Section and spoke with Captain Brian Bohman, who agreed to try to find answers to her many questions. He has maintained contact with her by telephone and in person at the National League of Families Conference held in Washington, DC, from July 23 through 27, 1992. On Ms. Plumadore's behalf, Captain Bohman reviewed DIA, JTF-FA, and CILHI files, as well as other available data concerning Lance Corporal Plumadore, and provided her with the results of his research. During Ms. Plumadore's visit to Washington, she reviewed her brother's records and other pertinent unclassified data, and expressed satisfaction with the Marine Corps efforts to respond to her concerns. Captain Bohman remains ready to assist Ms. Plumadore should she have any additional questions or require further assistance.

Your concern on behalf of Ms. Plumadore is appreciated. I trust this information will be of assistance to you.

Sincerely,



M. T. COOPER
Lieutenant General
U.S. Marine Corps
Deputy Chief of Staff
for Manpower and
Reserve Affairs



DEPARTMENT OF THE ARMY
UNITED STATES ARMY CENTRAL IDENTIFICATION LABORATORY, HAWAII
FORT KAMEHAMEHA, BLDG 45
HIKAM AFB, HAWAII 96853-5000



TAPC-PED-H (600-8-1m)

29 October 1992

MEMORANDUM FOR Head, Personal Affairs Branch, Headquarters,
United States Marine Corps, Washington, DC
20380

SUBJECT: Questions Posed by the Family of the late Lance
Corporal Kenneth L. Plumadore

1. I regret the delay in responding to your letter 3040, MHP-10, dated Jul 30, 1992, which posed questions by the family of the late Lance Corporal Kenneth L. Plumadore. We have been attempting to acquire all the antemortem and mortuary records for the 14 Marines who were killed in the Con Thien incident and whose remains were subsequently recovered. The records of two of those 14 are incomplete, and thus far our efforts to locate additional records for them have been unsuccessful. When additional records are found, we will provide updated comments as warranted.

2. The records we maintain for L/Cpl Plumadore as well as the mortuary files for his 14 fellow marines were reviewed by my scientific staff in the context of providing answers to those questions. The files contain only a few documents, and therefore some answers cannot be more specific than provided herewith.

3. Question a: What methods were used to identify the 14 sets of remains recovered in the Con Thien incident?

Answer a: Examination of the mortuary records indicates that the remains were identified by either comparing the available antemortem dental records and radiographs with postmortem findings of the dentition and/or comparing antemortem physical characteristics with postmortem physical characteristics and/or skeletal analysis.

Question b: What was the condition of each set of remains? (decomposed, badly decomposed, skeletal, etc.)

Answer b: The files indicate that the remains were skeletal.

Question c: How badly traumatized was each set of remains?

Answer c: Since the remains were skeletal, it is not possible to determine the true extent of soft tissue trauma. The records of five of the remains indicate bone fractures were observed. The death certificates prepared at the time indicate all had died from enemy fire.

TAPC-PED-H (600-8-1m)

29 October 1992

SUBJECT: Questions Posed by the Family of the late Lane
Corporal Kenneth L. Plumadore

Question d: What, in your opinion, is the likelihood that remains were commingled?

Answer d. Only one file documents commingling; that being the distal (lower) ends of two lower leg bones.

Question e: How complete was each set of remains?

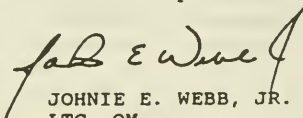
Answer e. Ten of the remains were relatively complete (75-100% present); one remains was one-half or less complete; one was only approximately 25% complete; two of files did not contain any documentation pertaining to the degree of completeness.

Question f: Based on current science, what is your opinion of the process used to identify the 14 sets of remains?

Answer f. Techniques used by the mortuary were those in common usage in the forensic community at that time. A new technique, mitochondrial DNA analysis, which was used in developmental stages during Desert Storm and now in limited cases by CILHI, was not available during the Vietnam War era.

Question g: In your opinion, is it likely that a mistake was made in the identification process.

Answer g. Nothing was detected during the examination of the available files to suggest a mistake was made in the identification process. When additional records are received, we will carefully review them from this aspect.



JOHNIE E. WEBB, JR.
LTC, QM
Commanding



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001

Miss Patricia Plumadore
616 Plymouth Drive
Syracuse, NY 13206

Dear Miss Plumadore,

This letter is to inform you, as the primary next of kin, of actions taken by the Department of Defense to account for your missing brother, LCpl Kenneth L. Plumadore, USMC, a priority case for investigation over many years, but particularly since 1988.

As you may know, General John W. Vessey, Jr. has focused extensively on obtaining answers to questions about Americans believed to be or last know to be in captivity or alive in close proximity to hostile forces.

Significant effort has been made to obtain greater cooperation from Vietnamese and Lao officials to obtain convincing evidence about the fate of these missing Americans. These cases, referred to as last know alive (LKA) discrepancy cases, numbered 196 prior to March 1992.

Joint Task Force-Full Accounting (JTF-FA) and other agencies within the Department of Defense undertook an intensified program of field activities to aggressively pursue resolution of the discrepancy cases with the Vietnamese. Evidence to confirm death on 61 of the LKA discrepancy cases was obtained prior to the March 1992 Solomon delegation to Vietnam, reducing the number of LKA discrepancies to 135.

With the initial investigations of the 135 cases completed in January of this year, JTF-FA and the Defense Intelligence Agency's (DIA) Special Office for POW/MIA Affairs convened to assess the evidence obtained during the investigations. As a result of their joint assessment, they recommended that there were convincing evidence that death had occurred in 43 of the 135 remaining cases.

A policy-level Defense Department review of the JTF-FA/DIA assessments was then conducted. This second review concurred with the JTF-FA/DIA recommendations on the 43 cases. On April 19, 1993, General Vessey returned to Vietnam at the request of President Clinton and informed senior Vietnamese officials that further investigation was required in the remaining 92 LKA discrepancy cases. He also informed them of the need to repatriate the remains of the 104 Americans for whom death had been confirmed, but whose remains have not been recovered, or to

provide convincing evidence that their remains were unrecoverable.

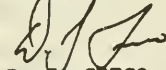
In the 92 remaining LKA discrepancy cases, addition efforts are required, as they are on all of the other missing Americans. These 92 cases, however, will be pursued as the focus of a new small team concept, the Priority Case Investigation Team (PCIT), agreed to by the Vietnamese as a result of General Vessey's April meeting. The PCIT will be comprised of Americans representing JTF-FA and DIA and Vietnamese representatives from the Vietnamese Office for Seeking Missing Persons. This joint team will pursue the 92 cases continuously via archival research, witness interviews, and other investigative methods. If excavation of a grave site is necessary, it will be undertaken during regularly scheduled joint field activities.

The case of your brother is one of the 92 remaining priority LKA discrepancy cases to be investigated by the PCIT. The PCIT was formed to focus a full time priority effort on these cases in Vietnam. The other 104 of the original 196 cases, as are all other cases of unaccounted for Americans, are still open with hopes that further information concerning the whereabouts of each individual's remains will become available through joint field activity, archival research, or witness interview. We will ensure that you are informed of developments as they occur.

The United States Government position on all missing Americans is that no case is closed until we have found and returned the missing American alive, received and identified his remains, or obtained convincing evidence as to why neither of the first two conditions is possible. This is the official United States Government definition of accountability. It is one we believe should be reassuring to all family members.

Toward that end, we will continue our efforts as a matter of highest national priority until our shared goal is achieved.

Sincerely,



D. J. GRECO
Major, U.S. Marine Corps
Head, Casualty Section
Personal Affairs Branch
Human Resources Division
By direction of the
Commandant of the Marine Corps



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001

Miss Patricia Plumadore
616 Plymouth Drive
Syracuse, NY 13206

Dear Miss Plumadore:

The enclosed report is a copy of information concerning your brother, LCpl Kenneth L. Plumadore, U.S. Marine Corps, that has been provided to the Vietnamese government.

The information is passed to the Vietnamese government in preparation for future investigations. This will allow them to assist in the investigation by locating witnesses, arranging permission from local village chiefs to visit sites, etc.

The Marine Corps is not notified of the date of the planned investigation. There are many factors which may necessitate rescheduling, such as weather, local political climate, equipment availability, etc.

Once the investigation has been done, we will receive a report of the findings to be provided to you as Primary Next of Kin. Please be assured that when the report is received, it will be forwarded to you immediately.

If you have any questions, please feel free to contact us. An envelope is provided for your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Hammers".

A. HAMMERS
Assistant Head
Casualty Section
Personal Affairs Branch
Human Resources Division
By direction of the
Commandant of the Marine Corps



JOINT TASK FORCE - FULL ACCOUNTING
CAMP H. M. SMITH, HAWAII 96861-5025

CASE 0839-0-01

NARRATIVE

ON 21 SEPTEMBER 1967, LANCE CORPORAL KENNETH L. PLUMADORE, COMPANY F, 2D BATTALION, 4TH MARINE REGIMENT, 3RD MARINE DIVISION, WAS WOUNDED DURING COMBAT WITH PEOPLES ARMY OF VIETNAM FORCES IN THE VICINITY OF GRID COORDINATES YD133699, APPROXIMATELY 14 KILOMETERS NORTHWEST OF DONG HA, QUANG TRI PROVINCE. DUE TO THE INTENSE HOSTILE FIRE, HIS UNIT WAS FORCED TO WITHDRAW LEAVING LANCE CORPORAL PLUMADORE AND FOURTEEN OTHER SOLDIERS BEHIND. ON 10 OCTOBER 1967, THE AMERICAN FORCES RETURNED TO THE BATTLE AREA AND RECOVERED THE REMAINS OF 14 INDIVIDUALS. AMERICAN FORCES LEARNED THAT PAVN FORCES CAPTURED THE 15TH INDIVIDUAL AND TOOK HIM AWAY IN THE DIRECTION OF VINH LINH.

ON 19 APRIL 1986, VIETNAM RETURNED THE REMAINS OF A PERSON PURPORTEDLY CAPTURED DURING THE SAME ENGAGEMENT IN WHICH LANCE CORPORAL PLUMADORE WAS LOST. HOWEVER, THE REMAINS WERE NOT THOSE OF LANCE CORPORAL PLUMADORE.

DURING JUNE AND JULY 1992, A JOINT TEAM INVESTIGATED THIS CASE IN GIO LINH DISTRICT, QUANG TRI PROVINCE. THE TEAM INTERVIEWED THREE WITNESSES. THE FIRST WITNESS PROVIDED HEARSAY INFORMATION CONCERNING THE BURIAL OF AN AMERICAN WHO DIED FROM AN ATTACK BY A U.S. AIRCRAFT SUBSEQUENT TO HIS CAPTURE. THE WITNESS WAS UNABLE TO PROVIDE ANY FURTHER INFORMATION CONCERNING THE AMERICAN OR THOSE WHO PARTICIPATED IN HIS ALLEGED BURIAL. THE TEAM WAS UNABLE TO SURVEY THE LOCATION INDICATED BY THE WITNESS DUE TO THE PRESENCE OF UNEXPLODED ORDNANCE.

Passed to officials of the Vietnamese government
during a 9-10 Jun 93 coordination meeting in Dar.

THE TEAM ALSO INTERVIEWED TWO WITNESSES FURNISHED INFORMATION ABOUT THE DEATH OF 14 AMERICANS AND THE CAPTURE OF AN ADDITIONAL AMERICAN DURING A BATTLE IN 1966. ONE WITNESS REPORTED HE AND TWO OTHERS WERE EVACUATING THE WOUNDED AMERICAN WHEN THEY CAME UNDER ATTACK BY U.S. AIRCRAFT. THEY PLACED HIM IN A CULVERT AND TOLD HIM TO HIDE UNTIL THEY RETURNED. WHEN THEY RETURNED, THEY SAW THE CULVERT HAD SUSTAINED A DIRECT HIT AND WAS COMPLETELY DESTROYED. THE WITNESS BELIEVED THE AMERICAN HAD BEEN KILLED DURING THE AIR STRIKE WHEN THE CULVERT WAS DESTROYED. THE OTHER WITNESS LAST SAW THE WOUNDED AMERICAN BEING LED AWAY TO THE HEADQUARTERS OF THE K8 UNIT. THE TEAM SURVEYED THE SITE WHERE THE AMERICAN ALLEGEDLY PERISHED BUT FOUND NO REMAINS. THE TEAM ALSO VISITED THE INCIDENT LOCATION AND SAW NO SIGNS OF A FORMER MILITARY BASE OR THE BATTLE THAT ONCE OCCURRED AT THIS LOCATION.

PERTINENT DATA ARE AS FOLLOWS:

NAME: PLUMADORE, KENNETH LEO
RANK: LANCE CORPORAL, U.S. MARINE CORPS
DATE OF BIRTH: 28 JANUARY 1949
RACE: CAUCASIAN
HEIGHT: 1.85 METERS
WEIGHT: 80.2 KILOGRAMS
HAIR: BROWN
EYES: HAZEL



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

Miss Patricia Plumadore
616 Plymouth Dr.
Syracuse, NY 13206

Dear Miss Plumadore,

Per our telephone conversation of last week, enclosed is a copy of the response from the Central Identification Lab in Hawaii in reply to questions you posed to Mr. Ross, DPMO.

We have also inquired from the Joint Task Force - Full Accounting (JTFFA) as to whether there are any 1993 documents in Lance Corporal Kenneth L. Plumadore's case. They reviewed the case and informed us that the only 1993 document is the narrative previously sent to you.

A thorough review of your brother's records, held here at the Casualty Section, has been completed. A copy of the 1986 letter from us to the I-I Staff in Syracuse was not found. We contacted the I-I Staff in Syracuse and they do not have a copy either. We do, however, have a copy of their response to that letter. Based on the contents of that response, we have determined that the letter in question tasked the I-I Staff with the responsibility of acting as Casualty Assistance Officer (CACO) for Lance Corporal Plumadore.

We regret that we are unable to provide you with the document you requested. In the event we are able to locate it, please be assured you will be provided as copy immediately.

Sincerely,

A. Hammers

A. HAMMERS
Assistant Head
Casualty Section
Personal Affairs Branch
Human Resources Division
By direction of the
Commandant of the Marine Corps



JOINT TASK FORCE - FULL ACCOUNTING
CAMP H. M. SMITH, HAWAII 96861-5025

To: Commandant of the Marine Corps (MCP-10), Headquarters
U.S. Marine Corps, 3 Navy Annex, Washington, DC 20380-1775

Subj: 90K REQUEST FOR INFORMATION CONCERNING REFNO 0839-S-01

Ref: (a) CMC ltr 1040 MCP-10 of 16 Oct 92
(b) USDAO BANGKOK 1010362 AUG 92

Encl: (1) CJTFFA DET ONE BANGKOK TH 100754Z JUL 92

1. Per reference (a), enclosure (1) is provided for release to the next of kin of Kenneth L. Flumadore (REFNO 0839-S-01).

2. Reference (b) reported that during the 19th Joint Field Activity, two witnesses claimed to have discovered American remains, which they found while digging on their cooperative farm. Each claimed to have discovered the remains in mid-1987. Along with the remains, they found two ammunition boxes filled with miscellaneous personal belongings, including an unopened letter. The remains and ammunition boxes were turned over to the district police.

3. On 5 July 1992, the field team was taken to the Vinh Linh District Police Station, where they recovered the remains from a secondary grave site and examined the contents of the ammunition boxes. The remains were later determined to be of a male Hongkond, and were left in Vietnam. The JTF-FA field team retained the ammunition boxes, including the letter.

4. JTF-FA analysis revealed that the letter appeared to be a police report listing information on individuals associated with various political organizations and that it had no connection with the REFNO 0839 loss incident.

5. During the July 1992 Technical Talks, the JTF-FA asked the Vietnamese for additional information on REFNO 0839. A talking point requesting the status of the Vietnamese response will be presented at the next Technical Meeting.

Charles R. Marinew, Jr.
CHARLES R. MARINEAU, JR.
By direction

ENVELOPE

CGSN = 06X501 HCN = 93132/06149 TOR = 931300602
 RTTUUTW RUEKJCS9202 1320601- -RUEALGX

DNY

HEADER

R 120601Z MAY 93
 FM DIA WASHINGTON DC

R 111735Z MAY 93

FM DIA WASHINGTON DC//PW-HIA//
 TO RUMOHQA/USCINCPAC HONOLULU HI//J3/J30H/J2//
 INFO RUMOHQI/COR JTF-FA HONOLULU HI
 RUEKJCS/JOINT STAFF WASHINGTON DC//J3/J5 PW-HIA//
 RUEKJCS/SECDEF WASHINGTON DC//OASD-ISA/PW-HIA//
 RUEHC/SECSTATE WASHINGTON DC//EAP/VLC//
 RUHFAAA/COROSACILHI HICKAM AFB HI//TAPC-PEU-HA//

BT

CONTROLS

UNCLAS SECTION 01 OF 02
 U-0705/PW

/***** THIS IS A COMBINED MESSAGE *****/

BODY

SUBJ: REQUIREMENT FOR PRIORITY INVESTIGATION (RPI)

COUNTRY: VM

TITLE: RPI - REFNO 0839

1. REQUEST COORDINATION AND CONCURRENCE WITH REGARD TO FOLLOWING
 REQUIREMENT FOR THE PRIORITY CASE INVESTIGATION TEAM (POTI).
 ENCLOSURE IS FIELD LEAD SHEET (TRANSMITTED SEPARATELY).

2. BACKGROUND:

A. CIRCUMSTANCES OF LOSS - CASE 0839 (PLUMADORE), PRIORITY
 CASE FOR INVESTIGATION.

1) LANCE CORPORAL KENNETH L. PLUMADORE, USMC WAS INVOLVED
 IN "OPERATION KINGFISHER" ON 11 SEPTEMBER 1967 IN THE VICINITY OF
 GRID COORDINATES YD130899 NEAR CON THIEN FIRE BASE IN QUANG TRI
 PROVINCE. WITNESSES SAW LCPL PLUMADORE SUSTAIN SERIOUS WOUNDS
 DURING AN INTENSE FIREFIGHT WITH ENEMY FORCES. DURING THE ENSUING
 BATTLE, THE MARINES WERE FORCED TO ABANDON THE BATTLEFIELD AND
 PLUMADORE, ALONG WITH 14 OTHER MARINE PERSONNEL, WAS LEFT BEHIND FOR
 DEAD. ON 11 SEPTEMBER U.S. FORCES LEARNED THAT SOMETIME ON OR
 BEFORE THE NIGHT OF 11 SEPTEMBER THE VIETNAMESE CAPTURED "ONE
 AMERICAN PRISONER WHO WAS "WOOUNDED" AND WERE EVACUATING HIM FROM
 THE CON THIEN AREA. A SECOND USUALLY RELIABLE WARTIME SOURCE
 REPORTED ON THE MOVEMENT OF AN AMERICAN TO AN UNIDENTIFIED LOCATION
 ON 13 SEPTEMBER 1967. ADDITIONAL INFORMATION ON THE STATUS OF THIS
 AMERICAN WAS MIXED. ONE REPORT INDICATED DEATH. ONE REPORT
 INDICATED THE AMERICAN WOULD SURVIVE.
 U.S. RECORDS INDICATE NO OTHER CANDIDATES FOR THIS "WOOUNDED
 AMERICAN" OTHER THAN ONE OF THE 15 MARINES LEFT BEHIND AT CON THIEN.

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2) U.S. FORCES WERE NOT ABLE TO RETURN TO THE LOCATION OF THE 21 SEPTEMBER BATTLE UNTIL 10 OCTOBER 1967. AT THAT TIME, ONLY 14 OF THE 15 MISSING BODIES WERE RECOVERED, FURTHER SUPPORTING THE POSSIBILITY THAT THE VIETNAMESE MAY HAVE CAPTURED ONE OF THE 15. ALTHOUGH THERE WAS CONSIDERABLE DIFFICULTY IN IDENTIFYING TWO SETS OF REMAINS, THE 14 SETS OF REMAINS WERE IDENTIFIED AND, BY PROCESS OF ELIMINATION, IT WAS DETERMINED THAT LCPL PLUMADORE WAS THE MISSING INDIVIDUAL.

3) ON 10 APRIL 196 THE VIETNAMESE RETURNED THE REMAINS OF AN INDIVIDUAL WITHOUT ANY PERSONNEL EFFECTS AND CLAIMED THESE REMAINS BELONGED TO AN AMERICAN WHO HAD BEEN CAPTURED BY PAVN FORCES DURING THE BATTLE AT CON THIEN ON 21 SEPTEMBER 1967 AND WHO LATER DIED OF HIS WOUNDS. THE INFORMATION THAT THEY PROVIDED CORROBORATES U.S. HELD INFORMATION DESCRIBED ABOVE. ANALYSIS OF THE INFORMATION OBTAINED BY THE U.S. IN 1967 AND THE INFORMATION PROVIDED BY THE VIETNAMESE IN 1986 LEADS TO THE LOGICAL CONCLUSION THAT THE REMAINS THAT THE VIETNAMESE RETURNED SHOULD HAVE BEEN THOSE OF LCPL PLUMADORE. HOWEVER, FORENSIC ANALYSIS INDICATED THAT THE REMAINS HANDED OVER IN 1986 ARE POSITIVELY NOT THOSE OF LCPL PLUMADORE. FURTHERMORE, FORENSIC ANALYSIS FAILED TO FIND A MATCH BETWEEN THE DENTAL REMAINS RETURNED AND ANY UNACCOUNTED FOR U.S. SERVICE MEMBER WHOSE DENTAL RECORDS ARE AVAILABLE.

4) SINCE THERE ARE NO OTHER U.S. PERSONNEL LISTED AS MISSING FROM THAT INCIDENT, THERE ARE THREE POSSIBILITIES.

A) THE FIRST POSSIBILITY IS THAT THE REMAINS AND INFORMATION ARE ACCURATE AND CORRELATE TO SOMEONE LEFT BEHIND AT CON THIEN. IF THAT IS THE CASE THEN IT WOULD SUGGEST THAT LCPL PLUMADORE WAS ONE OF THE ORIGINAL 14 MARINES FOUND AT CON THIEN 10 OCTOBER 1967, BUT HIS REMAINS WERE MISIDENTIFIED AS ONE OF THE OTHER FOURTEEN MARINES AND BURIED UNDER SOMEONE ELSE'S NAME. IF THAT IS TRUE THEN THE REMAINS THAT THE VIETNAMESE RETURNED MAY BE THOSE OF ONE OF THE OTHER 14 MARINES RECOVERED IN OCTOBER 1967.

B) THE SECOND POSSIBILITY IS THAT THE INFORMATION PROVIDED BY THE VIETNAMESE WAS CORRECT BUT THE REMAINS RETURNED DO NOT CORRELATE TO THE CON THIEN INCIDENT. IN THAT CASE, THE VIETNAMESE MAY HAVE THE REMAINS CORRELATING TO THE CON THIEN INCIDENT STORED UNDER ANOTHER NAME.

C) THE THIRD POSSIBILITY IS THAT THE REMAINS AND THE STORY DO NOT PERTAIN TO AN AMERICAN AT ALL.

5) KNOWN REPORTING PROCEDURES AND EVACUATION ROUTES INDICATE THE FOLLOWING ORGANIZATIONS WOULD HAVE HAD INFORMATION ABOUT PLUMADORE: B-5 FRONT, HQ VINH LINH SPECIAL ZONE, AND THE 8TH BATTALION, 90TH PAVN REGIMENT.

B. PREVIOUS INVESTIGATIONS: ITERATION 18, JUNE/JULY 1992. NONE OF THE WITNESSES INTERVIEWED HAD INFORMATION ON THIS CASE.

3 REQUIREMENTS: FURTHER INVESTIGATION IS REQUIRED BASED ON SOURCE REPORTING AND THE INFORMATION PROVIDED BY THE SRV WHEN THEY REPATRIATED BOX 15 IN APRIL 1986. WARTIME REPORTING INDICATES THAT AN AMERICAN WAS CAPTURED IN SEPTEMBER 1967 DURING THE CON THIEN INCIDENT; HIS IDENTITY CANNOT BE DETERMINED, AND WE HAVE NO CONCLUSIVE EVIDENCE OF HIS FATE. THE REMAINS RETURNED ARE NOT THOSE

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* why do we keep PRAISING VN for thre cooperation - while acknowledging that + ARE WAREHOUSING REMAINS?

OF LCPL PLUMADORE.

A. CENTRAL QUESTIONS:

1. WHO DID THE VIETNAMESE REMOVE/CAPTURE FROM THE BATTLEFIELD AT CON THIEN IN 1967.
2. WHERE ARE THE RECORDS THAT WOULD HAVE BEEN CREATED IF A PRISONER WAS CAPTURED AND THEN MOVED NORTH TO VINH LINH?
3. WHAT RECORDS WERE USED BY THE VIETNAMESE TO ASSOCIATE THE REMAINS RETURNED ON 10 APRIL 1986 WITH THE LOSS INCIDENT AT CON THIEN?

B. ARCHIVAL:

1. RESEARCH THE WARTIME RECORDS ASSOCIATED WITH THE B-5 FRONT, ENEMY PROSELYTIZING SECTION, FOR DOCUMENTATION CONCERNING THIS INCIDENT.
2. RESEARCH THE RECORDS OF THE 8TH BN, 90TH PAVN REGIMENT, MILITARY REGION 4 (MR4)/VINH LINH SPECIAL ZONE, OR OTHER UNITS WHICH MAY HAVE OPERATED IN THIS AREA AT THE TIME OF THE INCIDENT.
3. ATTEMPT TO SOLICIT ANY PERSONAL EFFECTS/PAPERWORK RELATED TO THE "WOUNDED AMERICAN" WHO WAS PICKED UP BY THE VIETNAMESE ON 21 SEPTEMBER 1967 AT CON THIEN AND TRANSFERRED NORTH.
4. ATTEMPT TO SOLICIT THE PERSONAL EFFECTS/PAPERWORK THAT THE VIETNAMESE USED TO ASSOCIATE THE BODY RETURNED IN 1986 TO A LOSS INCIDENT AT CON THIEN IN 1967.

C. LOCAL AREA: NONE. RETURN TO THE LOCAL AREA IS NOT WARRANTED AT THIS TIME.

D. INTERVIEWS:

1. RESEARCHERS AND WRITERS WHO WROTE THE ADVANCE FORWARD ON HIGHWAY 9 AND KHE SANH IN THE SPRING OF 1968, SHOULD HAVE INFORMATION ON AVAILABLE RECORDS IN THE AREA. THIS GROUP INCLUDES: MG HO DE, COL TRAN HANH, COL HUNG DAT. THE EDITOR AND MILITARY LEADERS UNDER WHOSE AEGIS THE STUDY WAS WRITTEN IN 1986-87 SHOULD ALSO BE ABLE TO PROVIDE BACKGROUND ON THE RESEARCH AND DOCUMENTS USED. THE OFFICERS INCLUDE MG HOANG DAI, MG CAO PHA, AND GEN HOANG

/***** BEGINNING OF SECTION 002 *****/

MINH THAO.

2. ESPECIALLY KNOWLEDGEABLE OF RECORDS AND SOURCE DOCUMENTS ON THIS AREA WOULD BE THE AUTHORS AND RESEARCHERS OF THE 1992 WORK: BATTLES ON THE QUANG TRI FRONT IN 1972: CAPTAIN NGUYEN QUANG HA; MAJOR NGUYEN DINH KHUONG; MAJOR DU TA LINH; MAJOR NGUYEN HUU THANH; CAPTAIN NINH PHU LIEN; MAJOR NGUYEN VAN LONG; MAJOR VO VAN KHUE; MAJOR NGHIEM THANH HAI; MAJOR NGUYEN THANH MAI; CAPTAIN NGUYEN MANH TUYEN; CAPTAIN NGUYEN KHA TIEN; MAJOR NGUYEN VAN BINH; AND CAPTAIN HOANG HAI HUNG. THE BOOK WAS COMPILED AND WRITTEN UNDER THE AEGIS OF MAJOR GENERAL NGUYEN HUY HIEU, CORPS COMMANDER; COLONEL DO TRUNG DUONG, DEPUTY CORPS COMMANDER; AND COLONEL VU XUAN SINH, DEPUTY CORPS COMMANDER, AND WAS DEVELOPED OUT OF THE MILITARY SCIENCE OFFICE OF I CORPS.

E. OTHER ACTION: ASSIST IN THE PRESENTATION OF A DEMARCHE TO THE VIETNAMESE GOVERNMENT, REQUESTING THE RECORDS USED BY THE VIETNAMESE TO IDENTIFY THE REMAINS THEY REPATRIATED ON 10 APRIL 1986. ALSO REQUEST ACCESS TO THE PERSONAL EFFECTS THAT THE

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* Were These questions ever asked?

VIETNAMESE MUST HAVE RECOVERED WHEN THEY ACQUIRED THE BODY.

4. INVESTIGATIVE PRIORITY:

A. ARCHIVAL RESEARCH.

B. INTERVIEWS.

5. GUIDANCE:

A. BASED UPON THE TEAM'S ON-THE-SPOT ASSESSMENT OF PRELIMINARY FINDINGS AND CIRCUMSTANCES, OTHER PRACTICAL AND IMAGINATIVE ACTIONS SHOULD BE TAKEN, WHICH THE TEAM FEELS COULD SHED LIGHT ON THIS CASE.

B. THE JOINT RESEARCH AND INVESTIGATION EFFORT WILL BE ENTIRELY OVERT, WITH THE SANCTION OF APPROPRIATE VIETNAMESE OFFICIALS.

C. REQUEST ALL RESPONSES BE ELECTRONIC REPORTS OF INVESTIGATION (ROI) ADDRESSED TO THE CDR JTF-FA HONOLULU HI AND DIA WASHINGTON DC//PW-MIA//. INFO COPIES SHOULD BE PROVIDED TO ALL OTHER ADDRESSEES HERETO.

D. PUBLIC LAW AND DOD POLICY MANDATE THAT ALL PW/MIA-RELATED REPORTS THAT CORRELATE TO OR CONTAIN THE NAME OF A MISSING OR UNACCOUNTED-FOR AMERICAN BE FORWARDED TO THE PARENT MILITARY SERVICE CASUALTY OFFICE, OR TO DEPARTMENT OF STATE (DOS) FOR CIVILIANS, FOR FURTHER RELEASE TO THE NEXT-OF-KIN. UPON REQUEST FROM SERVICES OR DOS, ORIGINATOR IS REQUIRED TO SANITIZE THESE REPORTS FOR RELEASE. WHILE SOURCES AND METHODS SHOULD BE PROTECTED, EVERY EFFORT SHOULD BE MADE TO RELEASE THE SUBSTANCE OF THE INFORMATION.

ADMIN

BT

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DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001

Mr. Patricia Plumadore
616 Plymouth Drive
Syracuse, NY 13206

Dear Ms. Plumadore:

This letter is in response to your completed form requesting to view the classified file of your brother, Lance Corporal Kenneth L. Plumadore.

We have forwarded your request to the Defense Prisoner of War/Missing In Action Office (DPMO). You are scheduled to view Lance Corporal Plumadore's records on March 1, 1994 at 9:30 a.m. in the DPMO. If you will come to the Casualty Section prior to that time, we will escort you to that office.

The Casualty Section is located at 3033 Wilson Blvd (Virginia Commonwealth Bank Bldg) in Arlington, Va. When you arrive in the lobby, call our office at 696-1177 and someone will come down to meet you. You cannot go beyond the lobby without an escort. Please have identification (with your picture) to provide for access to the DPMO building.

If you find that you will be unable to meet the above date, please notify this office immediately.

Please let me remind you that in accordance with the procedures set forth by the Department of Defense that no notes may be taken and no copies made of the records you review. A representative of the Casualty Section and DIA will be present during the length of the review. Any questions you may have at the review will be noted by the Casualty representative, and responded to in writing after research is completed.

We look forward to seeing you on March 1.

Sincerely,

A. Hammers

A. HAMMERS
Assistant Head
Casualty Section
Personal Affairs Branch
Human Resources Division
By direction of the
Commandant of the Marine Corps

STATEMENT OF JUDITH COADY RAINEY

I am the sister of Major Robert Franklin Coady USAF who is missing in Laos since January 18, 1969. I would like to tell you how proud my brother was to be in the Air Force. He volunteered to go to Vietnam three times before Air Force sent him to Southeast Asia. He was proud to be serving his country and he felt that if he could make a difference by helping his country fight communism. He was willing to do his part. My brother arrived at his base in Thailand and he started sending tapes home so he could talk to the family together and we could in turn record over the tapes and send them back. My mother kept the tapes and just recently turned them over to me. I had a friend put them on cassette tapes for me. A few months ago I listen to the tapes for the first time in 25 years. He told of his trip over there and what the base was like. He talked of his first mission. It was on a Sunday and he told us what he could without breaking security. At the end of his short talk about his first battle he said "I killed people and I could see them". Then he added, well, maybe God can forgive me. My brother was 29 years old. He was an outstanding pilot and an instructor pilot at the Air Force Academy. His hobby was skydiving and he started skydiving clubs all over the country. He flew most missions as a Sandy Pilot. Sandy Pilots were the gutsy guys that took the fire so that the jolly green giant could go in and pick up downed pilots.

My family is not a family that cannot accept what happened to a loved one. We are only a family that wanted to know what happened to him if we could. We, like him, believed in this country and what the government told us. The family knew the kind of person my brother was and expected that the same kind of persons made up the Air Force and our government. We always expected that the Air Force would tell us, as they promised, to give us any information they received. I have found out that our trust was misplaced. After asking for his files 4 years ago, I found out that DIA, CIA, JPRC and OSD all had information. All this information is now being described as nothing significant, yet it was important enough to classify and go into his files and never told to Maj. Coady's family for 23 years. In my quest to find answers, I have been lied to and had information withheld. I am sorry to say that even now little has changed. Each family knows their own case and when we question (which we have every right to do) then we should get correct answers and you should see that we do. That is part of your job. You are elected to represent us, and if we say something is not working then it should be investigated and fixed.

The one thing I am tired of hearing is that this government does not rule out the possibility that there may be POWs held against their will, but that there is no credible evidence. Well, to establish credible evidence one must first be willing to check out the evidence. I wonder how many of you have read the documents or really done any studying on what might be evidence. I know that Senator Smith is one Senator who has taken the time to follow up on DIA's investigation of the evidence. I am sure you have heard his report. Satellite imagery would be a good start to get answers. Satellite imagery has shown authenticator codes, names, and walking Ks. This is what these men were taught to do and yet it is being debunked. These images in the grass are not natural in a country that doesn't use an alphabet or numbers like ours. If the evidence doesn't have any validity, what other countries have satellite imagery that shows the names, authenticator codes, or walking Ks. We have been told that our government is checking live sighting reports. These live sighting checks have to be ok'd by Vietnam with notice. If you give someone notice, do you think they are going to leave something for you to find?

This is an extremely critical time for us. The present administration has given up our leverage through lifting of the Trade Embargo, and now government officials are closing cases with just one tooth. The loss of a tooth does not prove anyone has died. This is not creditable accounting.

Because we did not want to lift the Trade Embargo or refuse to accept that the existence of a tooth is creditable accounting, we are accused of being activists. That is the same term given to leaders in the civil rights movement. Like the civil rights movement, we are here until you listen. I hope that what we have said today are not forgotten thoughts tomorrow.

*Barry A. Toll**2930 29th Street North
St. Petersburg, Florida 33713**813-323-3731**813-327-3762*

May 24, 1994

HONORABLE GARY L. ACKERMAN**Chairman****Subcommittee on Asia and the Pacific**

House Committee on Foreign Affairs

Washington D C 20515

Reference: The Chairman's letter to me dated 18 April 1994. Subj: Chairman's expression of thanks for testimony on 10 Feb 94, and request for further assistance from me, to the Subcommittee

Dear Mister Chairman,

Thank you for the above referenced letter. Please forgive this untimely reply; your letter did not arrive until the 27th of April, and I was out of town for two weeks afterward.

You have requested I assist the Subcommittee in three specific areas, relating to what I was able to testify to under oath, before you in Washington, on Feb. 10, 1994, during the POW/MIA hearings:

1 Provide you with a list of "documents and photographs...that the subcommittee should review that I referenced in testimony, including approximately 40 I delivered to the White House, during meetings with Anthony Lake and Kent Wiedemann on November 4th, 1993.

2 Provide you with my judgment" as to where they are located "possibly in National Archives

3 Provide the subcommittee with a list of questions that you (Barry Toll) believe we should be pursuing in order to get answers to the questions surrounding the POW/MIA issue".

Chairman Ackerman, I must reiterate what I told you in response to your questions of me, under oath on February 10th, 1994. When you questioned me as to whether I would "cooperate with this committee?" My response was based upon my previous experiences, which now include sworn testimony before the House Senate, and visits to the White House on this troubling matter. I said at that point in time I would only be disposed to cooperate "**if I saw the effort being exerted was an earnest one**", and referred to what I had previously experienced with the White House and Senate as disingenuous.

You then understandably somewhat concerned, stated you would "subpoena those documents and photographs that I had testified to previously, if I would but "cooperate". You directed from the Chair during that hearing that your Staff "get with" me to facilitate that "cooperation". I spoke with two members of the staff immediately after my testimony. I remained in Washington, extending my stay

for two days in attempts to communicate with them, as I had many of the documents arrayed before me during testimony. Frankly, I could not get either of these individuals interested in the materials. That is decidedly not an "earnest effort", Mister Chairman, and they directly ignored your instructions.

I further attempted several times to contact them telephonically, and by fax, over the ensuing next two weeks. I also repeatedly requested that the working transcript of my sworn testimony, and our exchange during your questioning of me, be forwarded to me promptly for my review and certification as to accuracy, and corrections inevitably necessary owing to phonetic transcription of acronymic jargon peculiar to this topic. The staff informed me that they received that working transcript approximately ten days after the hearing. More recent attempts to correct my testimony transcript have all resulted in stonewalling. Simply put, your staff won't even let me see and correct my own testimony!

To date, I have not even been accorded the opportunity to correct or review what I said under oath. This peculiar delay also does not portend "an earnest effort" to me either, Mister Chairman. It is now just shy of 4 months later!...where is the transcript of my testimony? Why is it being withheld from me? Why is it being withheld from the public? Is it your intent to sequester my testimony?

I came before your hearing, under potential penalty of perjury, at my own expense, to inform you of documents and imagery intelligence being withheld from the Congress, and the People, and the Families of our POWs and MIAs despite the hollow words of Presidents offering "declassification". I sat amazed as I watched and listened while Ed Ross, Acting ASD, testified under oath that "all the imagery had been reviewed. He quickly changed that statement from his own certification of that assertion, to the reality that "others" had testified under oath (before the SSC) to that claim. I know that is not true, Mister Chairman. From my private conversations with Anthony Lake in the White House, I know he doubts the veracity of those claims also.

I had in my possession in September, 1993, approximately 48 satellite and low-level aerial reconnaissance photographs, taken over Southeast Asia, from late 1973, through the fall of 1992, depicting the names, assigned ground distress symbols, or secret four-digit authenticator codes of dozens of missing men from the Vietnam Era, having been stamped out, or constructed in Vietnam, Laos or Cambodia. Some men's names, or authenticator codes appear up to six different times over the long years. In one case, the secret authenticator code appears first in 1973 after Operation Homecoming, and five additional times, up to finally a photo in October 1992! It moved from Vietnam to Laos (the beseeching skyward constructed symbols) in the mid-80s. I specifically discussed these cases with Mr. Lake in private in the White House (per our agreed upon arrangement then), and he was familiar himself with one such case and quened me extensively about it. All of this shocking material is being withheld from the Congress. If these photos were laid before the American Public, or the Congress, I assure you that the Trade Embargo against the SRV would never have been lifted.

That is exactly WHY they weren't in my opinion, Mister Chairman. But I assure you they exist.

In August 1993 certain Family Members, believing they were gaining an audience with President Clinton at the White House, sought my assistance in forming a team of experts to represent them during such a meeting. The purpose was to inform the President, that which we believed he and

this White House, was not being told about the POW/MIA evidence that exists within our own archives and that which had not been seen by the Senate Select Committee's investigation. I agreed to contact retired USAF Lieutenant General Eugene Tighe (former head of DIA, author of the Tighe Report in 1986, and whom I served with and received briefings from when he was CINPAC J-2 focusing on POW/MIA matters in 1972, where we served together in Hawaii). I also contacted Mr. George Carver (former Special Assistant for Vietnam matters to three different Directors of Central Intelligence and Chairman of the Nixon White House Washington Special Action Group's Indochina Subcommittee on Intelligence, which controlled our most covert operations during the war) currently an Olin Fellow at the Center for Strategic and International Studies. They both readily agreed to join the team to convince this President critical, capstone intelligence information was not being considered on this matter. I contacted a few others as well, but focused the nucleus of "the team" around the three of us.

That decision was based on the reality, that unlike historians, politicians, journalists and researchers, we were not merely three persons perusing a purged, selectively released, incomplete archive of isolated intelligence documents, through the murky lens of history. To the contrary, Dr. Carver, LTG Tighe and I, all occupied critical, bottleneck positions along the spinal cord of the flow of intelligence on POWs and MIAs from the ground in Laos and Cambodia (at times attempting to rescue POWs clandestinely) to the White House, during the era. In short, we had direct, hands-on, fully accessed experience with the materials (a vast amount of which is now admitted to be "missing", directly corroborating my sworn testimony of 1992, that a major purge of the materials was begun during the Ford Administration, which led me to believe the whole issue was going to be covered up for politically expedient reasons, and leading to my demand to be immediately discharged from an otherwise exemplary career, in protest of the deceptions being perpetrated by the Executive, in 1975).

We began correspondence with the White House discreetly in August, 1993, and on September 9th, 1993 arrived in Washington believing we would have an audience with President Clinton. Several entities within the U.S. Intelligence Community, believing our "team" would have the last best chance to "inform" the new President of the reality behind the compelling evidence not known of publicly, gave me documents and IMINT photos to lay before the President. They also gave me messages to give him, and one even agreed to accompany me into the Oval Office, at risk of his career and jeopardy of action against him for revealing the materials in unauthorized fashion.

What they wanted President Clinton told was:

1. These 48 IMINT examples, bearing symbols pertaining to dozens of men missing in Southeast Asia, had been discovered as a result of an archival perusal of merely 15% of the entire IMINT archive. That is all they had time for, in their research.

2. Persons had testified falsely before the SSC as to the effort exerted to review imagery intelligence on the matter. There had barely been a cursory attempt at review, and Bush appointed witnesses had testified all had been reviewed.

3. They had been warned not to pursue imagery intelligence archives in their classified duties and were extremely fearful of political retribution for having continued to gather these materials in the wake of what they insisted were "lies" told the SSC.

4. They wished the President to protect them, as "whistleblowers", as many Bush appointees remained in place even at that point in the Clinton Administration.

5 That the entire, formal, Intelligence Cycle, had long been perverted by politicization over the years on the POW/MIA matter and many lies, quite provable as same, had been perpetrated on the public Congress and Families

6 That political forces inimical to the President's own party, would utilize embarrassing information contained within national archives, to discredit any Presidential decision to precipitously lift the Trade Embargo against the SRV, later in his term of office

7 That specific formal, recommendations would be forthcoming on how to reorganize the POW/MIA Executive Branch effort, and remove the politicization impact of the DPMO, being basically an intelligence gathering entity operating within its isolated sphere, immune from the normal process of objectivity and review inherent in the normal intelligence cycle.

8 That they endorsed the Four Point Agenda authored by myself, editorialized by Dr. George Carver in the Wall Street Journal, supported by General Tighe, and endorsed by over 100,000 other persons, calling for the Presidential Appointment of an Independent Commission, to review the critical capstone, all-sourced intelligence materials being withheld from the public.

Believing we would see the President, the satellite photos were brought to me just prior to the White House appointment. However, we were informed late in the day that we would not see the President, that this was a "preliminary" meeting. We would see Sandy Berger, David Gergen, and others in the Situation Room. We protested, stating we had information for the President's Eyes Only.

I withdrew from that meeting. I was constrained by the sources from giving the information to anyone other than the President himself.

Subsequently, after repeated requests from the White House, between September and late October, and dozens of pages of correspondence, I agreed to meet with Anthony Lake privately, and disclose certain information to him. The sources were extremely fearful, and constrained me from revealing certain information, believing that the exposure would enable any Executive official to pinpoint the sources quite readily and take retribution.

I did meet, at the President's request, with Mr. Lake, and Mr. Wiedemann for over three hours on November 4th, 1993. I disclosed and discussed and delivered materials with them not known of publicly. Some materials were only known of by less than 10 people at that time in the entire government.

As Carol Hrdlicka and I attempted to inform you at your hearing, Mr. Wiedemann, Asian Affairs Director for the NSC, subsequently coordinated with us, what he called "our common project", but led us eventually to the conclusion he had lied to us repeatedly. Specifically, Mr. Wiedemann told us both that the NSC would proceed with an "internal investigation" in lieu of the appointment of the Independent Commission. I insisted to Mr. Wiedemann that Mr. Lake personally approve this effort, and obtain the President's imprimatur before I would fully cooperate. He consulted with Mr. Lake, and on 15 November 93 I was assured that he had been given approval "to hire up to six investigators directly to NSC to gather the hidden materials for the White House. They would proceed with the President's direct imprimatur when descending upon departments and agencies of the Executives to gather the materials. Mr. Wiedemann had promised in front of Dr. Carver and Carol Hrdlicka to return the documents I gave him in the White House West Wing within a few

working days, after he copied them. Despite repeated requests he would not do so, he lied about this also and has never returned them. We also came to know that no investigation ensued, despite our having sent certain intelligence entities to the White House for conference, with formal recommendations as to how to proceed. In short, Carol Hrdlicka and I have and will testify under oath to these matters and believe Mr. Wiedemann lied to us.

I believe you can best start gathering the documents, and one IMINT photo depicting a four-digit authenticator outside a known POW camp in Vietnam, that I gave Mr. Wiedemann, by fulfilling your stated intent on the record to me of February 10th, 1994, by "subpoena". Simply subpoena the documents he has, that I gave him that you promised me during our exchange you would. Dr. Carver and Carol Hrdlicka will attest to his promises on November 4, 1993 to return them to me. They belong to me, are being illegally withheld, and Mr. Wiedemann is a liar, and now you want the documents. I am willing to give them to you, but you'll have to get them from Wiedemann, who is now reassigned at DOD. I will need to inspect them however, and attest that he has returned them all when and if, you get them.

Then perhaps, you will understand what I have been going through for many years with the Executive Branch misconduct, lies, obfuscation and deceit on this matter.

I have recently sent Mr. Lake a lengthy letter, asking him to investigate documents we have forwarded to him. The documents are internal DIA/DPMO memos clandestinely reporting on the activities of Carol Hrdlicka and I, through professional informants, our efforts at the White House over the period cited above in this letter. As such, I believe they constitute "illegal, domestic, intelligence gathering by the DIA or DPMO", proscribed by law. We have the documents, and are aware of many others circulated at that level, eavesdropping our White House efforts. Since it is a matter of record that in 1975 and 1976, the DIA engaged in illegal surveillance and intelligence gathering against me many months after I departed from the armed services, for fear I would exercise my threat then to go to "Jack Anderson or Sydney Schanberg", I am well used to the pattern of domestic terrorist tactics the DIA and other embarrassed intelligence entities will go to on this matter (See sworn Affidavit of former Army Major J. Lawrence Wright, Judge Advocate General's Office, swearing how DIA admitted to him in 1976 that it had been conducting round the clock surveillance of me since August 1975. I was a civilian. Those materials were developed by the SSC investigation and Wright's sworn statements are in that archive, or I have my own copies).

Further on two occasions since visiting Mr. Lake at the White House, and immediately prior to testifying before your subcommittee, I have been threatened with physical harm for having disclosed the nature of the materials I had, or perused. One individual threatening me, was mentioned to me by one of your subcommittee staff as a "good friend". This does not particularly endear me to the idea of proceeding in cooperation, should there not be that "earnest effort" forthcoming I testified about to you in response to your request for my "cooperation".

Documents given to the White House, contained CIA documents reporting on the extensive second tier prison system containing many Americans in Laos. B-2 and B-3 evaluated Controlled American Source intelligence reports regarding the transfer of American POWs and MIAs into Yunnan Province, PRC late in the war and which strongly corroborate key aspects of the "Quang Document", discovered by Stephen Morris in Moscow archives. The USG has insisted in official statements it has no corroboration in U.S. archives of the Quang Document. That is a boldface lie, as I showed Lake and Wiedemann in the White House.

Dr. Carver also brought Top Secret documents he authored for CIA and White House during the era not known of publicly on the POW/MIA matter. They were proffered to Mr. Lake as well.

Allow me to conclude Mister Chairman, by stating that I would be well disposed to assisting your subcommittee on this matter, as I truly believe, as I testified at your hearing, that "you represent the last best hope for the Families" at this point. The failure for proper oversight exercised by the Congress on this matter over the years can only be salvaged by your actions, in my opinion. Yet, I must insist that in accordance with what I told you at the hearing, the effort must be shown to me to be earnest.

Specifically, I would need to see the following actions occur:

1 I want to be accorded under the House Rules, the right to review and correct my sworn testimony, as transcribed from the tapes, that I have been repeatedly denied thus far. I want my transcript released to me for same immediately. Four months is disingenuous as an "earnest effort".

2 I shall only proceed under oath, fully sworn, with a full transcript being made available to me in timely fashion, to provide the assistance you request of me in your letter of 18 April 94, and as you requested of me in hearing of February 10th, 1994. Unless the White House presumes to attempt to classify the contents of my discussions with them, and you accede to such a request, I would expect all such eventual assistance and transcripts and exhibits which I will personally bring (documents), to be made part of the Subcommittee's Record, fully available to the public.

3 I want no contact, nor access given to my testimony and exhibits proffered, to the individual on your staff claiming to be a "good friend" of the individual that has threatened me twice, and I want the Chair's assurance, that should further threats be received by me from that individual, or any other, for disclosing to your subcommittee these documents or photos, that you will promptly refer them to the Justice Department for immediate investigation.

4 I want your personal assurance reiterated, as you gave me in the hearing February 10th, 1994 and offered to gain my statement that "I would indeed cooperate upon that representation by the Chair that you "will subpoena the documents (and photos)" if necessary. If you will not keep your promise to me, and the Families attending that hearing, then I shall not be obliged to assist you in any way. That is what you promised, and I expect you to honor that promise, for it is my opinion that you will have to exercise that promise before this is done if you gain my testimony. I will give you an evidentiary path to the materials, and where they in fact resided, as of February 8th, 1994.

I believe your conduct as Chair of the Subcommittee in the POW/MIA hearing was laudatory of the highest standards of integrity and responsibility for Congressional Oversight I have yet seen in 20 years of my having sought to bring the government to truth on this matter, Mister Chairman. Let me state that I believe you are a man capable of getting at the truth, and will let the chips fall where they may. However, your staff failed to follow the orders you gave them regarding me, and there is no excuse for withholding the record of my sworn testimony from me all this time. Those two realities, negate the statements of the Chair given to me that day. In short, if it is your intention to proceed as you told me then, you will have to immediately correct that which has led me to believe your intent was disobeyed up to this point.

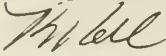
Otherwise, I shall conclude you have decided to renege on your own promises given in that hearing. Until I hear from you, I shall assume you simply did not know of the failure of your staff regarding

these matters and the resulting loss of faith that has accordingly impacted me, in accepting your statements to me, at their face value

Sincerely

Barry Allen Toll

BARRY A. TOLL



Wilassallo *Yvarian Toll*

Wilassallo *Samuel Toll*

Barry A. Toll

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St. Petersburg, Florida 33713
813-323-3731
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June 14, 1994

HONORABLE GARY L. ACKERMAN

Chairman

Subcommittee on Asia and the Pacific

House Committee on Foreign Affairs

707 O Neill HOB

Washington D C 20515

Reference: 1) The Chairman's letter to me dated 18 April 1994. Subj: Chairman's expression of thanks for testimony on 10 Feb 94, and request for further assistance from me, to the Subcommittee

2) Ltr from your Subcommittee, recv 7 June 94, Subj: Request to submit corrections of transcript provided, to my sworn testimony before you, on February 10, 1994

CORRECTIONS TO TRANSCRIPT OF SWORN TESTIMONY OF FEBRUARY 10, 1994

Dear Mr. Chairman,

Thank you for prompt response to my letter of 24 May 94. In reply to Reference 1) above. I received the transcript on June 7 and here follow my requested corrections to that testimony. Allow me to say that having reviewed and corrected many transcripts in the last few years, yours required the least effort by far and away and that was of some relief. There is one major problem I have however, occurring near the end of my testimony and I am sure it is caused by your remarks on Page 251 at Lines 5826-7 **"We have to talk one at a time, or otherwise it is not going to work out for the record."**

I have spoken with two other witnesses present (Carol Hrdlicka and Judy Rainey), and we recall specific words spoken by the Chair at that point that do not appear in the transcript; obviously, your stated prediction regarding the record has come true. I shall address that point in the chronological sequence of corrections that follow in this letter

Since I also have over 300 pages of sworn testimony or submitted sworn statements on this same topic as a result of the Senate Select Committee on POW and MIA Affairs. I am meticulously concerned with consistency. Therefore I am providing the annotation **"(Note<s>:)"**, and appropriate comment to those entering these corrections for any clarification they might need. There are some inevitable phonetic errors as you certainly know better than I, when dealing with acronymic esoterics inherent in discussions of this topic. I believe the corrections I've submitted will best serve to resolve those errors while remaining in accordance with the request on your June 2, 1994 dated letter that you would appreciate if corrections were kept to a minimum to save expensive resetting, and still preserve the integrity of what I intended to and did say

Corrections and Notes for sworn testimony of Barry A. Toll, appearing before the Subcommittee on February 10, 1994 are as follow

Page 236, Line 5451

Simple Correction Delete word "MACVSOG"

Complex Correction Move word "MACVSOG" from Line 5451, to Line 5452 and insert words to read immediately after "in Laos in 1968, then later detached to MACVSOG, to the White House...". Lines 5451 and 5452 should then read correctly "as a leader of top secret clandestine missions to rescue American POWs in Laos in 1968, then later detached to MACVSOG, to the White House...".

NOTE: This error, whether due to phonetic garbling around the acronymic use of 'MACVSOG' or my own juxtaposition of syntax, must be corrected. The point here is that the referenced mission to "rescue American POWs", is NOT a MACVSOG mission per se, although the intelligence precipitating the attempt originates from SOG-80, Prisoner Recovery and Studies Group, it was conducted by me under direct orders of Major General (Retired) Stan McClellan, then commander of a Task Force counter-attacking a major North Vietnamese at the Tri Border junctions of Laos Cambodia and South Vietnam. McClellan, was then officially Commander, of the 3rd Brigade 4th Infantry Division, and directly controlled my activities as I was one of his Long Range Reconnaissance Patrol Team Leaders performing top secret, clandestine, intelligence gathering missions. My testimony in closed deposition before the Senate Select Committee, dated June 24, 1992 directly addresses this issue. The SSC has a sworn Affidavit by survivors of the mission as Exhibit accompany my testimony, and corrections, explaining the complex command relationship. In no way should the mission be construed as a MACVSOG mission, although the intelligence for it, derived from SOG-80. As presently worded, without correction, the wrong impression is given, although my transcript and corrections to the SSC are quite clear, when read with the accompanying sworn Affidavit of survivors derived from, and submitted by House Whip David Bonior's office, in October 1990 Representative Bonior represented one of the survivors of this rescue attempt, Michael Bartholmew for years, and the Affidavit was done at Bonior's request for reasons other than POW/MIA matters. The point here is that the error, while minor in distinction, gives a false impression contradicted by the record established in my SSC testimony. You can correct it by either the Simple Correction or Complex Correction" as you deem appropriate, IAW your aforementioned need to avoid expensive resetting". Either choice is fine with me but it must be changed and is not accurately recorded.

Page 236, Line 5456 Phonetic transcription error

Replace second occurrence of word "in" with word "end".

Line 5456 should read "integrity in the matter at hand and end the trail of tears".

Page 237, Line 5460 Phonetic transcription error

Replace word at end of line 5460 "as" with word "in".

Line 5460 should now read "1967 And in 1968, after heavy combat as an infantryman in".

Page 237, Line 5469 Phonetic transcription error

Replace word "**about**" with word "**out**"

Line 5469 should now read "House in assignments variously **out** of the Embassy in"

Page 237, Line 5478 Phonetic transcription error

Replace word "**is**" with word "**his**"

Line 5478 should now read "the United States, or **his** designated successor, or alternate"

Page 237, Line 5482 Phonetic transcription error

Replace acronymic "**SSE**" with "**SSC**"

Note This error occurs several times throughout the transcript and is derived from erroneous phonetic interpretation. The acronym refers to the "Senate Select Committee", and should be **SSC**.

Page 238, Line 5486:

Same error. replace "**SSE**" with "**SSC**"

Page 238, Lines 5492 and 5493: erroneous statement

NOTE The words appearing in the transcript "when Senator Smith in an outburst challenged one of the men who testified here today " are in error, on my part. While I do not believe a change is necessary. I do wish this note to be part of the Subcommittee's whole record. As the Chairman mentioned later, weather on February 9 and 10, 1994 was a factor in witnesses' travel to testify. My flight had been canceled on the 9th of February, and indeed, my flight to testify on the morning of the 10th was also delayed 3 hours. I arrived therefore, in the hearing room at noon. I asked another witness in the room, in hushed tones "who had testified for the government so far?" I was mistakenly told Charles Trowbridge, of DPMO had testified, and hence, made this misleading statement. It is my error. Although Senator Smith later, formally, referred his own charges of "mail fraud and perjury" to Attorney General Janet Reno for investigation, naming publicly Mr. Ed Ross and Charles Trowbridge's testimonies before the Senate Select Committee. Mr. Ross did testify on February 10th 1994, but Mr. Trowbridge did not. Mr. Trowbridge was on the panel before the SSC that Senator Smith "in an outburst challenged" with my behind closed doors testimony, on 24 June 94 but Mr. Ross was not a member of that panel. Hence, my statement here is not exactly correct and I correct it so for the record with this note.

Page 239, Line 5523 Phonetic transcription error

Replace first word in line **very** with **various** and word "**specially**" with "**especially**"

Line 5523 should now read **various** specialized and unified commands, **especially** CINCPAC "

Page 239, Line 5527 Phonetic transcription error

Replace word **Quong** with **Quang** and word "documents" with "**Document's**"

Line 5527 should now read "And of course, I just make note of the **Quang Document's**"

Page 240, Line 5533 Phonetic transcription error

Replace word "\$3.2" with "\$3.25"

Line 5533 should now read "he would provide them a minimum of **\$3.25** billion in"

Page 240, Line 5539 Phonetic transcription error

Replace word "**me**" with word "**men**"

Line 5539 should now read "Vietnamese would hold **men** back "

Page 240, Line 5542: Phonetic error or clarification required

Replace word "**that**" with words "**Rand advised**"

Line 5542 should read "having to pay ransom, **Rand advised** it would best proceed as such a"

Page 240, Line 5554 Phonetic transcription error

Replace word "**it**" with word "**that**" and replace word "**where**" with word "**wherein**"

Line 5554 should now read "And **that** precipitated an atmosphere **wherein** on the 21st of"

Page 240, Line 5555 Phonetic transcription error

Replace word "**Moore**" with proper spelling of "**Moorer**"

This error occurs throughout the transcript, referring to **Chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, erroneously as "Moore"**.

Page 240, Line 5557: Phonetic transcription error

Insert word "it" between words "**should**" and "**have**".

Line 5557 should read "withdrawal from Vietnam, an event that **it** have reached"

Page 241, Line 5558: Phonetic transcription error

Delete word "and"

Line 5558 should now read "the public ears at that time would have caused and outcry"

Page 241, Line 5562 Repetitive transcription error

Change **Moore** to **Moorer** as noted earlier

Page 241, Line 5563: Repetitive error...Change "SSE" to "SSC".

Page 241, Line 5565: Phonetic transcription error

Insert word **that** between words **was** and **he**

Line 5565 should read now "initial testimonies, was **that** he reversed that order, and the"

Page 241, Line 5567...Change "Moore" to "Moorer" again.

Page 241, Line 5568: Phonetic transcription error

Change word "**the**" to word "**these**

Insert word "**back**" between words "**held**" and "**in**"

Line 5568 should read now "specifically noted **these** men held **back** in Laos. On the 28th"

Page 241, Line 5574 Phonetic transcription error

Replace first word in line "**on**" with word "**into**"

Line 5574 should now read "**into** the Indian Ocean . . ."

Page 241, Line 5578 Error in date

Change date "**28th**" to "**29th**"

Line 5578 should now read "House And then we know that on the **29th** of March that the"

Page 241, Line 5580 Phonetic transcription error

Replace word "**me**" with word "**men**

Line 5580 should now read "their POWs were on the way home, as our **men** began stepping"

Page 242, Line 5586...Change repeated error "SSE" to "SSC" again.

Page 242, Line 5591: Misleading phonetic transcription error

Replace word "**his**" with word "**this**" and insert word "**Roger**" after word "**me**,"

Line 5591 should now read "according to **this** sworn testimony, "You did not hear me, **Roger**. The"

Note: I am citing sworn testimony before the Senate Select Committee here, of Mr. Shields, verbatim

Page 242, Line 5595, Change repetitive error "SSE" to "SSC" again.

Page 242, Line 5599: Phonetic transcription error

Replace word **and** with word **amid**

Line 5599 should now read "But on May 26, 1973, **amid** continuing secret talks with the"

Page 242, Line 5602 necessary punctuation needed

Place quotation marks around words **all of Indochina."**

Line 5602 should now read "POW/MIAs of the Paris Accords applies "**to all of Indochina**"."

Page 243, Line 5610 Phonetic transcription error

Replace word "in" with word **"within"** and **comma punctuation needed.**

Line 5610 should now read "sentence from the Vietnamese, **within** a few dozen days."

Page 243, Line 5620 needed quotation marks

Place quotation marks and question mark around words **"did we leave men behind?"**

Line 5620 should now read "of **"did we leave men behind?"**". He said, what I recollect of his"

Note This is a question Chairman Ackerman asked of witness Winston Lord in the hearing.

Page 243, Line 5621 Needed punctuation referring to Chairman's question earlier.

Place quotation marks around words **"not want to air unfair accusations."**

Line 5621 should now read "response, is that he **"did not want to air unfair accusations."** "

NOTE. The quotation is obvious, refers to the exchange earlier between the Chair and Winston Lord

Page 243, Lines 5628 and 5630: Phonetic transcription and punctuation errors

Insert word **"stated"** between words **"and I"**, and punctuate with quotation marks.

Lines 5628 thru 5630 should now properly read **"nuclear execution codes. I walked into work one day and stated, "I will never wear the uniform again under a lying Executive". And I said "I do not care if you put me in the stockade."**

Page 245, Line 5675

Insert word **"it"** between words **"want"** and word **"to"**

Should read now **"persons who did not want it to see the light of day".**

Page 247, Line 5723

Change word **"proffered"** to **"proffer"** Should read **"And I proffer some of them to the committee."**

Page 251 Refer to Chair's comments at Lines 5826-8, Quote "We have to talk one at a time, or otherwise it is not going to work out for the record. And I know you have a lot to say."

This entire exchange is absent certain statements I am absolutely certain the Chair made, and I made during this exchange. The reason is obviously because of the Chair's own statement above, as we garbled each other's speech. in attempting to talk simultaneously.

I specifically recall the Chair saying **"I will subpoena the documents and photos if necessary"**. I also recall the Chair firmly and unequivocally directing the Staff (he spoke on the record to Mr. Russ & Wilson) to **get with Mr. Toli** to receive the documents aforementioned I had arrayed on the witness panel table before me

While the Chairman's remarks at Line 5821-23 state quite clearly " **we will gain access to them, or we will make every valiant effort to do so, or find out why.**" is clear in its intent, my specific recollection is that he also said "**I will subpoena the documents and photos if necessary**" Both witnesses Carol Hrdlicka and Judith Rainey have the exact same recollection as I do, and they were present in the room, or on the same panel

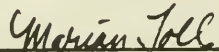
Further I would not have then stated at Line 5824 that "All right, Mr. Chairman, On your word, I shall proceed to cooperate." had I not heard the word "subpoena", as I had already stated at Lines 5804-07 that I would only "cooperate". "If you convince me the effort is going to be earnest, I certainly would. There are persons fearing political retribution Mr. Chairman, on the matter. And I take it at your word that the effort would be earnest" I also recall distinctly saying at one point after the Chair's subpoena statement to me, "**Upon the representation by the Chairman, I would be glad to cooperate**" That too is missing, apparently because of the garbling

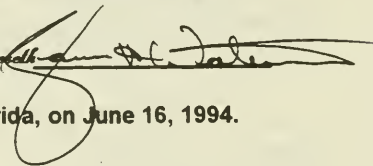
The point may be semantical to some, but it is critical to my own representations under oath. If the audio tape is indistinguishable, and the Chair does not precisely recall, then I would request this portion of my "corrections" be made a part of the record, at page 251.

/////////////////////////////////Nothing further
follows////////////////////////////////



BARRY ALLEN TOLL

Witnessed  Marian Toll

Witnessed  J. H. Dale

Executed in the County of Pinellas, State of Florida, on June 16, 1994.

STATEMENT OF
 RICHARD F. SCHULTZ
 NATIONAL LEGISLATIVE DIRECTOR
 DISABLED AMERICAN VETERANS
 BEFORE THE
 SUBCOMMITTEE ON ASIA AND THE PACIFIC
 OF THE
 COMMITTEE ON FOREIGN AFFAIRS
 U.S. HOUSE OF REPRESENTATIVES
 FEBRUARY 10, 1994

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the 1.4 million members of the Disabled American Veterans and its Women's Auxiliary, may I say that we deeply appreciate being given this opportunity to present our views on United States policy toward Vietnam.

Mr. Chairman, at the outset, I wish to commend you, Ranking Member Leach, and all the members of the Subcommittee for your decision to hear the views of our nation's leading Veterans Service Organizations, family members of those missing, and other interested parties, regarding this matter of great national importance.

As the leading organization representing America's combat-disabled veterans, we have a vital interest in the issues before the Subcommittee today. Mr. Chairman, before I address our specific views concerning Vietnam, however, allow me to state the philosophy of the Disabled American Veterans regarding the general issue of POW/MIAs.

Mr. Chairman, when our national leaders have elected to send our country's best and brightest young men and women into combat, the members of our armed services have always gone into battle without hesitation. And in every case, our servicemen and servicewomen have constantly displayed valor and courage far beyond the call of duty.

In every instance requiring the use of force to protect our vital national interests, members of our Armed Forces have taken with them an unwritten, unspoken, but unbreakable contract of the battlefield. A contract from our government that simply states: We will leave no one, dead or alive, in the hands of the enemy.

Based on this unwritten, unspoken, but unbreakable contract, the DAV strongly believes that our nation has a sacred obligation to account for its missing servicemen and women who do not return from the fields of battle. This contract was meant to have no loopholes, no escape clauses, and absolutely no room for negotiation.

In our view, the U.S. government -- dating back to the end of World War II -- has failed miserably in meeting the terms of this contract. It is a great national travesty that we still have not accounted for nearly 90,000 American patriots since the end of World War II.

Mr. Chairman, every DAV member in every corner of the country has a standing obligation to press our national leaders to develop policies consistent with this unwritten, unspoken, but unbreakable contract of the battlefield in order to ensure that American fighting forces are never again used as political pawns.

Regarding the situation with Vietnam, delegates to the DAV's recent annual DAV National Convention unanimously adopted a resolution which urged the President not to lift the embargo or normalize relations with Vietnam until the U.S. government received the fullest possible accounting of our missing comrades.

At a White House meeting just hours before the embargo was lifted last Thursday, DAV Washington Headquarters Executive Director Arthur H. Wilson told President Clinton that the DAV did not agree that recent Vietnamese actions justified lifting the embargo. Wilson added that much of the information and assistance Vietnam has provided in the past six months could have been -- and should have been -- provided nearly two decades ago.

While we disagreed with President Clinton on lifting the embargo at this time, the DAV agrees with our Commander-in-Chief that resolving the POW/MIA issue should remain our nation's highest national priority. The DAV is also grateful that President Clinton -- unlike others who have occupied the Oval Office -- has made a tremendous effort to seek the advice and involvement of the major Veterans Service Organizations in seeking to resolve the POW/MIA question.

As a matter of fact, the DAV was part of a delegation sent to Vietnam last July by the President to stress to the Vietnamese government the importance of providing tangible progress on the remaining POW/MIA cases. Obviously, that trip was very successful in terms of encouraging the Vietnamese government to provide additional information.

While on that trip with Assistant Secretary of State Winston Lord, Deputy Secretary of Veterans Affairs Herschel Gober, and Lt. Gen. Mike Ryan, the DAV was also able to witness first-hand the dedication and determination of the members of the Department of Defense's Joint Task Force Full Accounting. There's no doubt that the members of the Joint Task Force are working diligently to provide as many answers as possible.

Now that the embargo has been lifted, the DAV believes that the Joint Task Force should stay intact so that we may continue to closely monitor Vietnam's level of cooperation. We also believe that the American public -- 85 percent of whom don't believe Vietnam has been forthcoming on the POW/MIA issue, according to a December 1993 Associated Press poll -- demands that our nation continue to leave no stone unturned in the quest for the fullest possible accounting.

Mr. Chairman, the DAV also believes that our nation must continue to seek the Vietnamese government's full cooperation to improve Vietnam's horrendous human rights record. Just last month, for instance, members of a humanitarian assistance group supported by the DAV and funded by the U.S. Agency for International Development, were detained and harassed by over zealous Vietnamese policemen at the Hanoi Airport for more than three hours.

The group, whose trip was sanctioned by the Vietnamese government, was in Vietnam to provide more than \$100,000 worth of prosthetic devices to needy Vietnamese war veterans -- from the North and South. Unfortunately, as the policemen ripped through the group's materials, some of the prosthetic devices were ruined, thus depriving a destitute war veteran of much-needed assistance. This type of human rights abuse must not and cannot be tolerated.

In summation, Mr. Chairman, the DAV believes that America has a sacred obligation to account for its servicemen and servicewomen who do not return from the fields of battle. We further believe that our government must develop safeguards to ensure that our nation never again places short-term economic and political agendas ahead of our nation's long-standing moral obligation to determine the fates of our POW/MIAs.

Mr. Chairman, on behalf of the Disabled American Veterans, I again thank you and the members of this Subcommittee for allowing us this opportunity. At this time, I'd be happy to answer any questions you or the other members may have.



STATEMENT OF
THE AMERICAN LEGION
1608 K Street, NW
Washington, DC 20006

by

STATEMENT OF JOHN F. SOMMER, JR.
WASHINGTON OFFICE EXECUTIVE DIRECTOR
THE AMERICAN LEGION

before the

SUBCOMMITTEE ON ASIA AND THE PACIFIC
COMMITTEE ON FOREIGN AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

on

POW / MIA

February 10, 1994

STATEMENT OF
JOHN F. SOMMER, JR.
EXECUTIVE DIRECTOR
THE AMERICAN LEGION

BEFORE THE

SUBCOMMITTEE ON ASIA AND THE PACIFIC
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1994

Mr. Chairman and Members of the Subcommittee:

The American Legion appreciates this opportunity to present testimony on a matter of highest national priority, the issue of prisoners of war and missing in action in Indochina -- specifically on reported Vietnamese cooperation with Joint Task Force Full Accounting.

At the very outset, we want to place on the record The American Legion's definition of what would constitute the fullest possible accounting of our POW/MIAs. Our definition, which is shared by other organizations and some members of Congress is turning over live prisoners, expeditiously repatriating the remains of those who were killed in action or died in captivity, or providing a valid, conclusive report why neither is possible.

The American Legion recommends all concerned with this important issue should unite in adopting a workable, logical definition of "fullest possible accounting" so that we can all agree on the ultimate goal. As far as we know, the U.S. Government -- although it has supposedly been working to solve this problem for over 25 years -- has never articulated a definition of this fundamental objective.

In our testimony, we intend to analyze Hanoi's cooperation in the four objective areas specified by the Presidential Delegation that visited Vietnam last summer. Next, we want to acquaint the subcommittee with the multitude of problems we have encountered in dealing with the Executive Branch. Finally, we will offer some important recommendations on a viable future course of action on the POW/MIA issue.

Presidential Delegation Objectives

I was assigned by our National Commander to represent The American Legion on the Presidential Delegation which visited Vietnam last July under the leadership of Assistant Secretary of State for East Asian and Pacific Affairs Winston Lord, Deputy Secretary of Veterans Affairs Hershel Gober, and Lt. Gen. Michael Ryan, Assistant to the Chairman of the Joint Chiefs of Staff.

Before dispatching the Delegation, President Clinton made it clear that Hanoi should not expect any favorable actions by the United States until it fully cooperated in four specific areas. We would like to review each area and provide our evaluation of the level of Vietnamese cooperation with the Joint Task Force.

1. Concrete results by Vietnam to recover and repatriate the remains of missing Americans.

Cooperation has been far from satisfactory. In 1993, joint US-SRV operations returned 67 sets of remains and only 3 of those have so far been identified as Americans. Thus, during the period 1974-1993 only 321 sets of identified remains have been returned, with 272 coming from Vietnam, 47 from Laos and 2 from the Peoples Republic of China. This averages out at about 17 per year. Even in the last three years, when Hanoi has allegedly been "fully cooperating," on average only 13 have been returned each year -- a rate only about 25 percent of the 19 year average.

Therefore, we conclude Hanoi has not been fully cooperating in this area. Particularly, when the U.S. Government has in its possession validated information that Hanoi has "warehoused" approximately 400 remains that it has strategically doled out a few at a time. In fact our own government has not provided the American public with methodology. They base their measurements toward progress in accounting.

In addition, The American Legion has obtained through declassified records compelling information that reported Americans were seen and remains of some who died between 1976 and 1980 buried outside Vietnamese prisons after 1973. The reports specifically relate to 80 Americans who died in 5 prisons not known to hold our POWs during the war. After obtaining this information, we requested a meeting of the Presidential Delegation to set forth the documents and urge expedited searches for these remains by the U.S. Government. To our knowledge, no government official had visited these five prisons other than one, Tan Lap-Phu Tho, and that was only after Senator Bob Smith's visit to the prison in July, 1993. The meeting was held on January 18, 1994, and at that time, we were told our government would follow up. This is another glaring example of the ineptitude of the U.S. Government in its failure to check out promising intelligence information it has had in its possession for many years. We do not really expect any better results this time, as we will later detail the U.S. Government's long record of ignoring our recommendations on this important issue.

2. Continued resolution of "last-known-alive" discrepancy cases through a new priority investigation team, plus continuation of live-sighting investigations.

It is extremely difficult to analyze this objective, because the Defense POW/MIA Office gives us virtually no meaning-

ful information. According to available information, General Vessey initially compiled a group of "discrepancy cases," about 135 last-known-alive cases, and shared them with the Vietnamese. Approximately 73 of the cases are still unresolved at this date. We hasten to point out that the term discrepancy cases goes back to 1975 and the actual development of the list rests solely on the Federal Government. In addition, we have been advised that there were other equally compelling cases not added to the list at the time the group of discrepancy cases was compiled by General Vessey.

We suggest this Subcommittee should really "dig-in" regarding this objective and require the Defense POW/MIA Office to present a detailed briefing of each case, specifying investigations conducted, results achieved, the basis for closing out the case and any remaining actions to be taken. Up to this point, the Pentagon has hidden behind spurious claims of classification and privacy to prevent the families of missing servicemen and the public from learning the true status of these very compelling cases that Hanoi's hard-line communist leadership should be able to resolve to our satisfaction.

Regarding live-sighting investigations, we have have no confidence in the Joint Task Force-Full Accounting. American investigators cannot move anywhere in Vietnam without being accompanied by their "handlers," from Vietnam's Office of Seeking Missing Personnel. Further, advance notice is given to the Vietnamese so the effectiveness of U.S. personnel questioning Vietnamese citizens is jeopardized. Thus, communist officials have ample opportunity to "stage manage" each investigation.

3. Increased Vietnamese assistance in accounting for Americans missing in areas of Laos where Vietnamese forces operated during the war.

Potentially, this area should offer great opportunities since over 500 Americans are still unaccounted for in Laos and, during Operation Homecoming, no American POWs returned from Laos, although nine Americans captured in Laos returned through Hanoi. Anyone who has researched the message traffic from the American embassy in Laos in the spring of 1973 can clearly see that Laos did have live American POWs at that time, and the U.S. Government did absolutely nothing to liberate them. We have seen documents reporting land line intercepts which reveal the movement of American prisoners from Laos to North Vietnam in late 1973. While only partial information has been released to the archives, a complete search of all government records should be conducted.

Since the Defense POW/MIA Office has not given us any meaningful information on searches in Laos, we have no way to offer an evaluation. We did receive some information informally from the State Department, but not enough on which we can base a conclusion. We have heard that the first trilateral

investigation in the area of the Ho Chi Minh trail was recently conducted but have no idea of the official results received. As has happened in many aspects of this issue, the primary source of information is the news media.

We would, however, like to observe that some Members of Congress, and others favored lifting the embargo against Vietnam so that we could, in their opinion, get better access to the countryside. The illogical nature of that contention becomes apparent when you recall that the United States never broke diplomatic relations with, or imposed an embargo against, Laos -- yet results from some few investigations in Laos have been extremely meager. Further, the theory that having more businessmen on the ground in Vietnam will increase the opportunities to locate any surviving American POWs or other related information is questionable. The businessmen would seldom, if ever, venture out into the jungles and mountains and more importantly, the Communist Vietnamese government will never permit them access to prisons, or other restricted areas in that country.

4. Expanded access to archives and continuing interviews to resolve questions about the fates of POWs and MIAs.

This is the most tenuous of the four objectives. The only information we have to go on are unsubstantiated statements by various U.S. Government officials that the Vietnamese are providing more and more access to wartime documents. We have not seen these alleged documents and we have not received any information from the Defense POW/MIA Office on their detailed contents. Therefore, it is not possible to even hazard a guess as to the status of this objective. We would, however, like to observe that in December 1992 the first director of the Defense POW/MIA Office, Alan Ptak, told The American Legion that up to that point Vietnam had only provided one percent of the documents and information the U.S. Government knows they possess. With respect to the most recent release of thousands of photographs, only about one per cent of the collection reportedly pertained to POWs and MIAs. That leaves us with the presumption that Vietnam still has a long way to go in providing truly unrestricted access to relevant documents relating to missing US servicemen.

POW Survey

The American Legion firmly believes that the U.S. Government has failed to use one of the best possible sources of information on what really happened to our POW/MIAs -- the 591 American POWs who returned during Operation Homecoming.

Clearly, the former Senate Select Committee on POW/MIA Affairs shared our concern. For, after encountering a flat refusal from the Pentagon for full access to the Operation Homecoming debriefing reports (only the Chairman and Vice Chairman

were given access) -- despite the fact that 285 returned POWs waived their rights to confidentially.

To give you a clear picture of the Select Committee's total discontent with the Pentagon's stonewalling on this vital issue, let me quote from page 270 of the Select Committee's final report, where reference is made to a request to the Pentagon for access: "The committee request was in furtherance of a complete record, the suspicions surrounding the debriefing process...." Mr. Chairman, the phrase "the suspicions surrounding the debriefing process" sums it all up -- after decades of incompetence and evasion, some within the Pentagon simply cannot be trusted to pursue one of its most essential missions -- to protect and liberate American POWs and to bring about the resolution of this issue. This has been illustrated in internal reports criticizing the handling of the POW/MIA issue, which were classified by DoD.

On page 271, the Select Committee urged DoD "to conduct a full, independent review to clarify this issue for the public. The review should be undertaken by DOD staff and not assigned to the DIA, and the results should be provided to the appropriate oversight committees of Congress and made public."

Realizing that access to POW debriefings was essential, The American Legion conducted its own survey of the returned POWs. We mailed 500 survey forms and received a relatively high response rate of 47 percent. Of those responding, we received significant indicators that some of the returned POWs believe the issue is far from resolved. Eleven percent believed they had firsthand information on POWs who did not return during Operation Homecoming. Thirteen percent believed the Vietnamese operated additional prison systems from which American POWs did not return. Fifteen percent believed the Vietnamese segregated POWs having particular technical or intelligence knowledge and either transferred them to other countries or did not return them during Operation Homecoming.

On November 16, 1993, we wrote to President Clinton requesting him to implement the recommendation of the Select Committee cited earlier. To date we have not received an acknowledgement that the White House received our letter.

The Executive Branch "Stonewall" on the POW/MIA Issue

Mr. Chairman, we would now like to very briefly cite just some of the instances the Executive Branch has turned a deaf ear to sound information and suggestions emanating from The American Legion, POW/MIA families and other organizations.

-- Investigations of live sighting reports have been nonexistent or are incomplete. Many documents received by the families have been heavily redacted and left unintelligible.

-- Pilot recognition signals (often analyzed as valid by knowledgeable military photo interpreter experts) have been debunked and ignored. Radio intercepts have been buried in the files.

-- Little or no emphasis has been placed on liberating live American POWs. The total concentration has been on sifting through dirt at crash sites. The administration reports that it recovered 67 remains in 1993, but only three have been positively identified as American servicemen.

-- The world-famous Soviet 1205 and 735 reports discovered last year have been virtually dismissed out-of-hand, despite the fact that many experts believe they establish a prima facie case that Hanoi held back hundreds of American POWs during Operation Homecoming.

-- Task Force Russia, a highly competent, dedicated group of experts searching for American POWs and remains of missing servicemen in the former Soviet Union, was disbanded just as it was starting to be effective.

-- After dedicated military officials produced a well documented report proving American POWs were taken from Korea to the Soviet Union, the Pentagon slapped a veil of secrecy over it -- despite President Clinton's promise to declassify POW/MIA documents. We understand it is now being reanalyzed under contract by the Rand Corporation.

Mr. Chairman, we could go on and on, but just this small sample indicates the scope of the problem -- for decades the Executive Branch of the U.S. Government, through faulty decisions and bureaucratic incompetence has failed in its moral duty to protect and liberate American POWs and has many times slammed the door in the face of their grieving families when they seek information about their loved ones. And always, this misdirection and incapacity has been cloaked in a totally unnecessary layer of classification, not to protect information from enemies, but from the American people.

What Needs to Be Done

Mr. Chairman, The American Legion, and its 3.1 million members from all parts of the nation, calls on you and your subcommittee to assume a leadership role and help get the POW/MIA issue back on track toward real, effective action. We would like to briefly outline our views at this time and offer to meet with you or your staff to discuss details.

The American Legion sets forth the following recommendations:

1. Centralize POW/MIA activities in a responsible office reporting directly to the Secretary of Defense, remove the De-

fense Intelligence Agency from all POW/MIA responsibilities and make each military service responsible for its own POW/MIAs.

2. Declassify all POW/MIA information (except that revealing intelligence sources or methods) in a form readily available to public review.
3. Reassign responsibilities for identification of remains from the U.S. Army Central Identification Laboratory, Hawaii to the Smithsonian Institution.
4. Provide adequate personnel and resources so that investigative efforts of World War II, Cold War, and Korean War POW/MIA situations can be broadened and accelerated.
5. Initiate or strengthen joint commissions with Russia, the People's Republic of China, and North Korea to increase POW/MIA recovery efforts.
6. Establish a joint standing congressional committee on POW/MIA affairs to ensure continued action by the executive branch in addressing the POW/MIA issue. Absent such a joint committee, establish a presidential POW/MIA commission comprised of nongovernmental officials.
7. Take further favorable actions toward Vietnam only after Hanoi provides the fullest possible accounting for POW/MIAs in Vietnam or in areas of Laos and Cambodia it controlled during the Vietnam War.
8. The U.S. Government should make a maximum effort to resolve the fate of unaccounted Americans from World War II, the Cold War, and the Korean War by obtaining the return of any live prisoners, the repatriation of remains, and the fullest possible accounting for the missing.
9. The U.S. Government should not provide normalization or any type of aid to North Korea until it fully cooperates on POW/MIA matters.
10. The President and Congress should establish a Prisoner of War/Missing in Action Commission, comprised of individuals to include members of the nation's major veterans organizations, for the purpose of ascertaining during any conflict that American POW/MIAs are all accounted for, treated properly, and released from captivity at the earliest possible moment (see attached letter dated February 4, 1993 to President Clinton).
11. The U.S. Government should seek appropriate changes to international laws and regulations relating to prisoners of war and missing in action (see attached letter).

In closing Mr. Chairman, we in The American Legion commend you for your interest in holding this hearing on this vital

issue. As a nation, periodically we ask our young people to go to the ends of the earth to protect the freedoms we enjoy. More and more often, our armed forces are becoming involved in peacekeeping and humanitarian missions. It is simply and absolutely unconscionable that -- for almost half a century -- the Executive Branch, regardless of which political party controlled it, has utterly and repeatedly failed in its highest moral obligation to protect and liberate American POWs and account for the missing in action. Mr. Chairman, we do not believe any reasonable person could agree with or support such a terrible blot on the conscience of America. We implore you to spare no effort to help create an effective POW/MIA Program that will correct the errors of the past to the greatest extent possible, make suitable amends to the bereaved POW/MIA families, and keep faith with those serving in the armed forces now and in the future.

Mr. Chairman, that completes our statement.

The American Legion

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 (202) 861-2711 or 2712



OFFICE OF THE
EXECUTIVE DIRECTOR

February 4, 1994

President William J. Clinton
 The White House
 1600 Pennsylvania Avenue
 Washington, D.C. 20500

Dear Mr. President:

During the meeting with those of us representing veterans organizations on February 3, 1994, you asked me to furnish you in writing The American Legion's recommendations which I had expressed verbally during the course of our discussion regarding your decision to lift the trade embargo on Vietnam. The recommendations, which emanate from Resolution No. 15 adopted during our 1993 National Convention are set forth below.

If anything has been learned with respect to the POW/MIA situation in Vietnam it is that it must never happen again. Therefore, The American Legion strongly recommends that you, Mr. President, and the Congress, immediately establish a national commission, comprised of individuals including representatives of major veterans organizations, to ascertain in any future conflicts involving the US armed forces that American POWs and MIAs are accounted for, treated properly and released from captivity at the earliest possible moment.

Today, members of the armed forces have no protection if captured by a hostile force. Therefore, The American Legion recommends that the Executive and the Congress seek appropriate

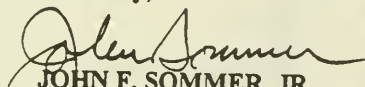
changes to international law and regulations relating to prisoners of war and missing in action, in order to protect current and future members of the US military services who are captured while participating in peacekeeping and humanitarian operations. At the present time they are not covered by the Geneva Conventions or any other international law.

A case in point is Army Warrant Officer Michael Durant who was captured in Somalia in October 1993. He was listed as a "detainee" rather than a prisoner of war, and had no protection whatsoever.

A similar and more tragic case was that of Marine Colonel Richard Higgins, who was captured by terrorists in Lebanon while serving as a United Nations observer and was executed in July 1990.

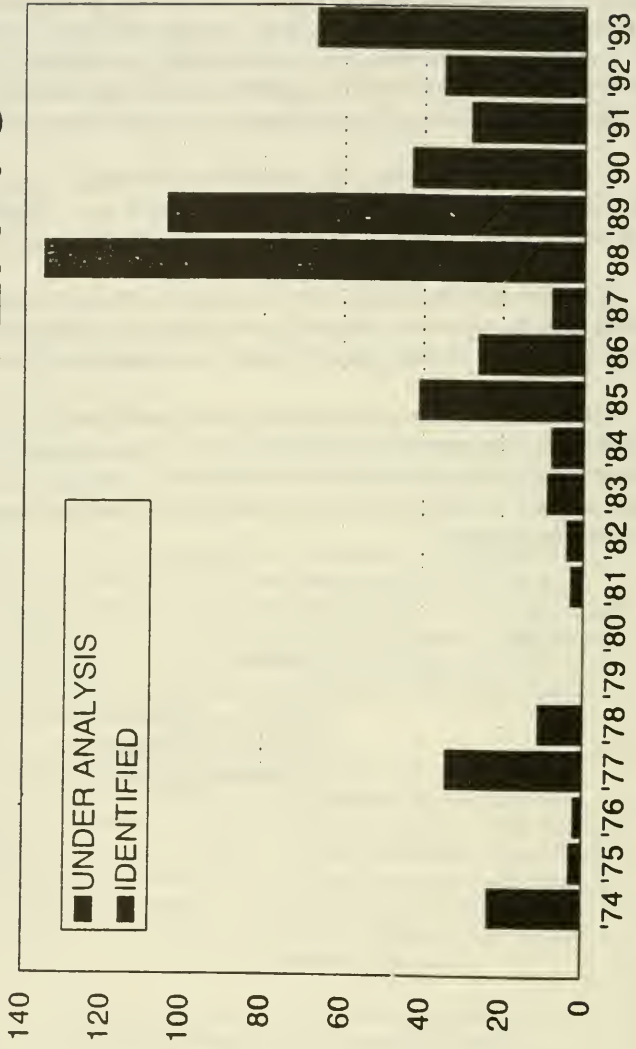
Mr. President, The American Legion takes this issue very seriously, and appreciates your interest in the recommendations that were set forth during the meeting on February 3. The protection of the members of our armed forces who are captured by hostile forces is of the utmost importance.

Sincerely,

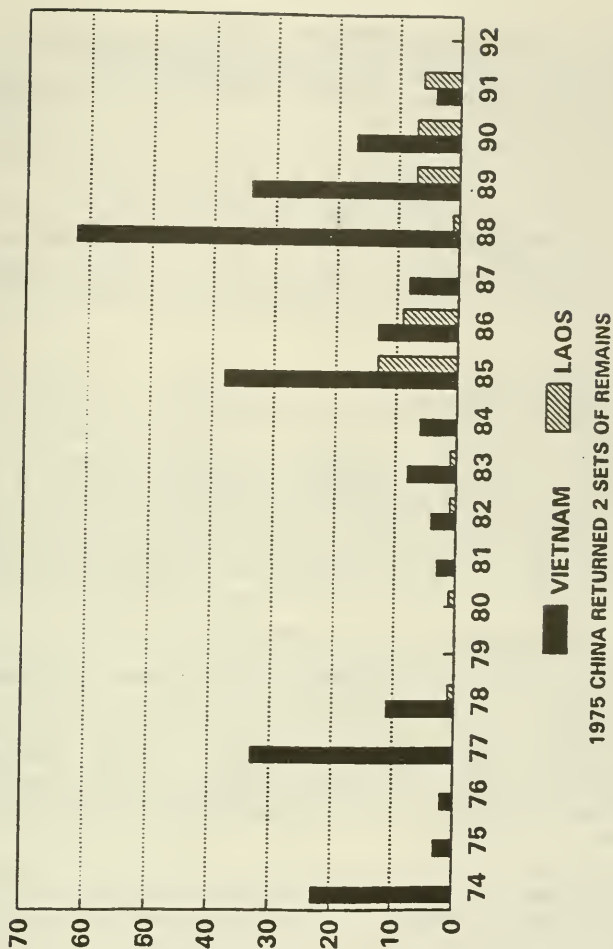


JOHN F. SOMMER, JR.
Executive Director

VIETNAM: U.S. REMAINS RETURNED AFTER '73



318 U.S. REMAINS RETURNED AFTER 1973





NATIONAL LEAGUE OF FAMILIES
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Statement of Ann Mills Griffiths
Executive Director
National League of Families of
American Prisoners and Missing in Southeast Asia

Before the Subcommittee on Asian & Pacific Affairs
House Foreign Affairs Committee
February 10, 1994

Mr. Chairman, Members of the Committee.....Thank you for the opportunity to be here today to represent the POW/MIA families.

Although we support a policy of reciprocal steps by the U.S. to respond to concrete Vietnamese actions which account for missing Americans, we strongly opposed President Clinton's decision to lift the embargo at this time. In our view, the President's decision was premature and based upon an orchestrated series of events. Senior Clinton Administration officials and military officers heaped praise on Vietnam for cooperation and POW/MIA results which, by omission, were vastly over-stated, even distorted.

The final push to get the embargo lifted was kicked off by Assistant Secretary of State Winston Lord's mid-December trip, during which he termed Vietnam's cooperation as "absolutely superb" and noted that the Vietnamese were going "all out" to be cooperative. His trip was followed by the spate of Senate delegations, all reportedly briefed by Joint Task Force-Full Accounting Commander Major General Thomas Needham or his subordinates that if the embargo were not lifted immediately, all POW/MIA cooperation with Vietnam would halt. Then followed Senator John Kerry, again praising Vietnam's cooperation as he has so many times in the past.

Topping off this public relations stream was Admiral Charles Larson, Commander in Chief of U.S. Forces Pacific, the most senior active-duty officer to visit Vietnam since the end of the war. Widely quoted by the media and subsequently by the Senate in considering their vote on the Kerry/McCain amendment, Admiral Larson expressed his belief that the Vietnamese "are not holding anything back." Like his subordinate General Needham, the Admiral was even quoted as advocating that the embargo be lifted, stating that it would facilitate achieving the fullest possible accounting.

This orchestration set the stage for passage of the Kerry/McCain amendment to give President Clinton the political cover his advisors felt he needed to move forward. This great push occurred despite the lack of evidence that Vietnam is being fully forthcoming. In fact the U.S. Government holds evidence to the contrary, but policy-level administration officials are dismissing or ignoring its relevance.

There is no evidence to refute 20+ years of intelligence assessment that Vietnam can unilaterally account for hundreds of Americans if they make the political decision to do so. There is nothing except Hanoi's denials, and senior Vietnamese authorities who have lied again and again -- during the war, after the Paris Accords, to Reagan and Bush administration officials, to the families, to General Vessey, to our nation's veterans and to Members of Congress. Yet, policy-level officials in the Clinton Administration continue to insist that Vietnam's cooperation is "outstanding, absolutely superb," etc. They label progress as "enormous" and "significant" or another "breakthrough." These same officials admitted not even having read the negotiating record covering the crucial years of 1982-1989 before entering what they term negotiations.

Earlier, the League had opposed President Clinton's July 2nd decision to drop U.S. opposition to the clearing of Vietnam's arrears in the IMF and his September 13th decision to ease the embargo to permit American businesses to participate in bidding for internationally funded contracts in Vietnam. We viewed these steps as signaling Hanoi that their consistent policy of withholding records and remains of Americans was succeeding. Now, in effect, the Clinton Administration has fully endorsed Hanoi's rhetoric and cited the level of POW/MIA activities as results sufficient to gain their national economic and political objectives. This, despite the President's listed POW/MIA criteria which, by any objective assessment, have not been met.

The President's earlier commitments and assurances were obviously set aside last week when he decided not only to lift the embargo, but to "establish a liaison office in Vietnam to provide services to Americans there and help us pursue a human rights dialogue with the Vietnamese government." But, the President went on to assure our nation, "These actions do not constitute a normalization of our relationships. Before that happens, we must have more progress, more cooperation and more answers." What the President didn't say was more accountability - the man alive, or his remains or convincing evidence as to why neither is possible.

We are realistic; we don't get false hope, and our sense of responsibility has been demonstrated over the years. Our expectations are based solely on U.S. Government evidence which is known to the families and was for many years the subject of official testimony before the House and Senate. We don't expect to receive accountability for all missing Americans, but we want and deserve real, measurable results which bring peace of mind to the families.

President Clinton, U.S. Senators, and administration officials and military officers have all stated their view that lifting the embargo will bring greater results. During the Senate debate on the Kerry/McCain amendment, most Senators who voted in favor cited the hope for more progress in the interest of the POW/MIA families as a primary rationale. History does not validate their assumption. I hope that I am wrong, but years of direct experience tell me that inducements don't work.

Regretfully, each year since the end of the second Reagan term has been more difficult and frustrating. Especially since 1989, we have seen the core of the issue -- Vietnam's knowledge and ability to unilaterally return remains being withheld -- virtually ignored, while the focus turned to expanding the process. The shift from serious negotiations to field operations was further altered with formation of the Joint Task Force-Full Accounting, a decision made late in the Bush Administration.

The dedication and hard work of the newly assigned field personnel are recognized and deeply appreciated, but the current operational approach to resolve the core issue is one which does not have the families' trust. Field operators, particularly without the years of investigative experience, knowledge of the issue and language ability, cannot be expected to obtain results during field operations which have been recovered previously by Vietnamese personnel and are being withheld.

We have learned to suspect and fear the definition of "progress" as defined by JTF-FA and the policy-level bureaucracy. Just prior to President Clinton's July 2nd decision to remove U.S. objections to international loans to Vietnam, I met with the President. He assured me that if he decided to move on the IFI's, not one step forward would be made to lift the bilateral embargo or normalize political relations without progress on POW/MIA....again....the definition of progress becomes crucial.

The families can count; we know that only 11 Americans previously missing in Vietnam have been accounted for over the past two years. That is a statistic you don't see in the public statements recently made by senior U.S. officials. Even the President stated, "Since the beginning of this administration, we have recovered the remains of 67 American servicemen." Though misinformed, the President's statement is inaccurate; never before have unidentified remains been listed as remains of American servicemen.

In February 8th's WASHINGTON TIMES, and across the country since the report was by George Esper of ASSOCIATED PRESS, Army LTC John Cray, head of the JTF-FA office in Hanoi, was quoted as stating, "This is the first repatriation ceremony since the embargo has been lifted. I think that instead of hurting, it will in fact enhance our process."

Even worse, LTC Cray goes on to state, "We have no evidence that they're holding any warehouse full of remains as occurred in the past." These statement are not true! It should concern the Congress, the executive branch and the Army, as it does us, that this recently assigned infantry officer with no knowledge of the negotiating history or intelligence assessments regarding remains being withheld by Hanoi is being widely quoted on his beliefs.

In February 7th's NEW YORK TIMES, Admiral Elmo Zumwalt, Chief of Naval Operations from 1970-1974, wrote in support of the President's decision to lift the embargo, citing the turnover that same day of 12 unidentified remains as "a promising first step" by Hanoi to respond. He echoed other State and Defense Department public affairs distortions, perhaps another victim of "spinmasters" distributing inaccuracies. The question is, are we going to continue to see such official distortions? Are all long-delayed bits and pieces of progress to be credited to the embargo lift? I believe the Subcommittee could play an important role by establishing a baseline for truthful reporting on the POW/MIA issue and I would be happy to work with your staff on such an effort.

Some important summary documents have been provided, but the case-specific source documents which went into preparation of the summaries are being withheld. You don't see any emphasis on the fact that from over 30,000 artifacts, documents, photos and materials reviewed by U.S. specialists, only 570 correlate to 242 missing Americans, though some in that number are duplicates. That huge volume of material pertains largely to returned POWs and other accounted for U.S. personnel. Of the 570, less than a dozen contain really new case-related information.

According to our own government's intelligence, considered valid until the Clinton Administration, the Vietnamese have not responded in good faith and are not responding in good faith now. It appears, however, that the President was convinced by policy-level officials in the bureaucracy that the best way to resolve the issue is to offer incentives, betting on the come that Hanoi will respond. Again, I hope they are right, because we, the families, and our nation's veterans have the greatest stake and will be watching closely. But, we need to look at the baseline facts:

- Vietnam is capable of holding Americans alive; unresolved discrepancy cases of Americans last known alive, as well as Vietnam's historical record of manipulation, gives this perception greater credibility.
- Vietnam can rapidly account for hundreds of missing Americans with a collective decision in Hanoi to repatriate readily recoverable remains.

- Further, the fate of a significant number of other Americans where remains are not as readily available can be ascertained through open access to Vietnamese archives.
- Vietnam's knowledge and ability to account for Americans extends to Laos, not only in areas along their shared border but in many other areas of Laos controlled by Vietnamese forces during the war. This fact is confirmed not only by U.S. intelligence but by knowledgeable sources of the former Soviet Union.

I hear increasingly from some in government that pressures are being applied to skew the long-accepted data base by omitting relevant facts that would give an accurate perception, but less positive for the Vietnamese. Redefinition of long accepted terms is taking place. Rather than focusing on results which account for our missing, cases of Americans last known alive are being investigated to determine fate or confirm death.

We are told that information gathered through joint investigations has been sufficient to confirm the death of 123 of these discrepancy cases, and we welcome that confirmation. Not stated, however, is that in most such cases, information also confirms that remains are likely available to the Vietnamese but have not been returned.

A glaring omission by Vietnam is their failure to return remains of 98 Americans involved in 84 incidents carried by the U.S. Government as remains discrepancies and the U.S. Government's failure to emphasize Vietnam's lack of serious responsiveness. These are individuals known dead through photographs, listed by Vietnam as having Died in Captivity or on graves registration documents, and joint field investigation reporting that Vietnamese authorities had earlier recovered the remains.

There is some reason for optimism that the special U.S. remains team is making progress, reportedly having located, with Vietnam's cooperation, grave sites of seven who died in captivity in southern Vietnam. But, we have always known they were there. Hanoi was asked to provide them during almost every negotiation since the end of the war, and these cases were highlighted in the proposed two-year plan in 1985. The majority of the 84 incidents, however, occurred in northern Vietnam where remains are known to have been recovered, stored and still withheld by Hanoi.

Similar distortions occur in official statements addressing trilateral cooperation -- the effort to investigate incidents of missing U.S. personnel lost along the border of Laos and Vietnam in areas controlled by Vietnamese forces during the war.

We were hopeful when Vietnam provided the Group 559 summary of shoot-downs along one area of the border, and apparently there were references to 217 U.S. personnel involved in 111 incidents. Vietnamese officials, however, did not provide the case-specific documents used to compile the summary, so little useful information in terms of accountability was obtained. Nevertheless, if the Vietnamese provide the case-related data, follow-up of possible leads in the Group 559 summary, and advance requests of the Lao are made to permit Vietnamese eye-witnesses to cross the border to assist in field investigations, there is reason for some optimism that results can be achieved. Unlike incidents which occurred in heavily populated areas of Vietnam, those lost in remote areas along the border or elsewhere in Laos have a better chance of results from joint field operations.

Significant differences exist regarding efforts to account for Americans missing in Laos and those missing in Vietnam. Nearly 85% of the 509 Americans unaccounted for in Laos were lost in areas under Vietnamese control at the time. All but a handful of the roughly 70 last known alive discrepancy cases in Laos were lost in such areas. A decision by the Vietnamese leadership to release relevant documents is crucial to accounting for these Americans, though territorial access is the Lao Government's responsibility,

In Laos, there has been marked improvement in accessibility, as well as flexibility during joint field operations, and the rate of recovery from excavations has also improved. With greater sensitivity to Lao concerns about questions of territorial integrity, I believe the bilateral US/Lao and trilateral US/Lao/Vietnamese processes holds significant potential for real accountability .

Looking to the prognosis for results from Vietnam post-embargo, it again appears that further steps will depend on the bureaucracy's definition of progress and cooperation. With recent experience as a guide, we have reason for continued serious concern. Despite solid intelligence and forensic evidence that Vietnam continues to withhold readily available remains and information, and the fact that there is no evidence to the contrary, policy-level officials in the bureaucracy seem determined to round the edges on intelligence to reduce accounting expectations.

There are specific ways to measure whether current pledges of continued priority are being implemented, and it is our hope that this Subcommittee will watch the situation closely, as we will. Most important is whether the Clinton Administration will finally decide to negotiate on the core accountability issue -- the remains and case-specific documents that are known to be withheld. Such an approach may not lend itself to advance publicity, but the Congress can request advance notification and obtain classified debriefings after the fact.

I also recommend that you ask for briefings from former DIA personnel now assigned to the Defense POW/MIA Office on Vietnam's knowledge base and ability to provide documents and return remains which would account for hundreds of Americans. In this regard, it is important that the Record include a copy of the interagency-approved official text provided to the Vietnamese in May, 1992 at the policy and technical levels.

Official intelligence assessments on cases that Vietnam could resolve unilaterally through remains repatriations have remained in the hundreds. This includes at least three assessments from 1987 to 1992. Did all of the intelligence change in one year? Apparently Admiral Larson, Major General Needham and LTC Cray think so. I believe that the Congress should request these assessments. If the Clinton Administration has a new one, they should let us know, but the rationale and the experience level of the analysts need to be evaluated as well.

Another means to measure our own government's seriousness is to monitor JTF-FA for any reduction in funding, personnel or resources. If reductions are proposed, and there are certainly noises to that effect in Cambodia, then it will be easily noticed. Already, DIA's Stony Beach POW/MIA operation in Thailand, though authorized 27 personnel at its height, has been reduced to 21 authorized billets. In fact, current manning is less than half that number, and I am told that the empty 13 slots will not be filled with permanent personnel. This needs to be corrected; with Congressional oversight, I'm confident that the manning problem would be solved.

The files of the former Soviet Union also have an invaluable contribution to make in getting to the truth on the POW/MIA issue. Renewed and expanded access to the GRU and Central Committee and Politburo files in Moscow is crucial. I hope that this Committee will intervene with Russian authorities to that end on behalf of Dr. Stephen Morris as well as U.S. specialists. The President should also be requested to intervene with Russian President Yeltsin.

I was alarmed recently to learn that Russian officials are apparently questioning whether the U.S. really wants additional Vietnam War documents. Reportedly officials in the Russian Ministry of Foreign Affairs have heard from some unnamed U.S. State Department official that the turnover of what is known as the "1,205 Document" was "harmful to U.S.-Russian and U.S.-Vietnamese relations." Apparently, the Russians were of the opinion that our own State Department officials "were not pleased with the release of the document and were discouraging further releases of such documents."

The interim analysis of the "1,205 Document," the "Dang Tan Reports" and the "725 Document" pertaining to Vietnam having withheld hundreds more Americans than were known to the U.S. Government was inconclusive. It was "deja-vu" to see the official verbiage which, for the most part, reminded this reader of an old theme: If it doesn't match what we already know, it can't be true." In this case, that which was judged accurate pertained to other matters; that judged invalid pertained to POW/MIAs. Though an admittedly interim report, the timing of release was more than coincidental - to at least partially meet the President's pledge that an evaluation would be made public before he authorized further economic or political steps with Vietnam.

With the lack of integrity and principle recently displayed by some U.S. officials, were you in our position, I believe you would share our concern and our shaken trust and confidence.

Thank you, Mr. Chairman, and I look forward to your questions.



NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA
1001 CONNECTICUT AVENUE, NORTHWEST, SUITE 219
WASHINGTON, D.C. 20036-5504

UPDATE LINE: 202/659-0133

STATUS OF THE POW/MIA ISSUE: January 12, 1994

2,238 Americans are still prisoner, missing and unaccounted for from the Vietnam War. A breakdown by country of loss follows: Vietnam 1,647 (North - 602; South - 1,045); Laos - 505; Cambodia - 78; Chinese territorial waters - 8. Over 80% of U.S. losses in Laos and 90% of those in Cambodia occurred in areas controlled by Vietnamese forces during the war. The League seeks the return of all prisoners, the fullest possible accounting for all missing Americans and repatriation of all recoverable remains.

At the forefront of the League's efforts is resolving the live prisoner issue. Official intelligence information supports the fact that Americans known to have been alive in captivity in Vietnam, Laos and Cambodia did not return at the end of the war. In the absence of evidence to the contrary, it can only be assumed that these Americans remain alive in captivity today. As a matter of policy, the USG operates under the assumption that U.S. POWs could still be held.

Archival research in Vietnam has produced over 20,000 documents, photographs and other materials related to U.S. POW/MIA's; only approximately 1% of the new information relates to missing for Americans. Unilateral Vietnamese repatriation of remains has been the most productive means of achieving accountability. Despite the extensive joint field activities in Vietnam, only three Americans were accounted for in 1993 from that process. The decreased number of experienced specialists directly involved in the in-country accounting process has brought justifiable criticism from the families and veterans. The League believes that it is imperative to have language-capable, knowledgeable personnel conducting all aspects of joint field operations in all three Indochina countries.

Joint field activities in Laos have been productive and, increasingly, the Lao Government has permitted greater flexibility while U.S. teams are in-country. In Cambodia, joint investigations, excavations and surveys have now resumed due to increased stability brought by the newly established Cambodian Government. Unlike Vietnam where a comprehensive wartime and post-war process for collection and retention of information and remains is known to have existed, joint field operations are crucial in Laos and Cambodia.

Hanoi's calculated decision to withhold information on and remains of America's missing continues unabated. U.S. intelligence confirms that hundreds of U.S. personnel could rapidly be accounted for through unilateral action by Vietnam to repatriate remains and provide relevant documents. Despite these facts, U.S. officials continue to praise Hanoi in an apparent effort to persuade Congress and the American people that the embargo should be lifted and relations normalized. The League supports a policy of reciprocal steps by the U.S. to respond to concrete results, but opposes meeting Hanoi's economic and political objectives until their leaders decide to cooperate seriously.

For the latest information, call the League's Update Line, 202/659-0133, 24 hours a day.

STATISTICS

As of December 15, 1993, 1,715 first-hand live sighting reports in Indochina have been received since 1975. 1,694 of these reports have been resolved, the majority of which pertain to individuals who have since left Indochina (returned POWs, missionaries or civilians detained for violating Vietnamese codes). Approximately 25% were determined to be fabrications. Twenty-one first-hand sightings are still unresolved and are under priority investigation using all available intelligence assets. The 21 can be further divided; 12 deal with reported Americans sighted in a prisoner situation, and 9 in non-prisoner situations. The years during which these 21 first-hand sightings occurred is listed below:

Year	Pre-75	75	76	77	78	79-80	81	82	83-91	92	93	TOTAL
POW	7	0	0	0	2	0	0	1	0	0	2	12
Non-POW	1	0	3	2	2	0	0	0	0	1	0	9

At the end of the Vietnam War, there were 2,583 Americans who were listed as prisoner, missing, or killed in action/body not recovered. As of January 12, 1994, 2,238 are still missing or unaccounted for from the Vietnam War. Following is a breakdown of the 345 Americans accounted for since the end of active U.S. involvement in the War:

1974-1975	Post war years:	28
1976-1978	US/SRV normalization negotiations:	47
1979-1981	US/SRV talks break down:	4
1982-1984	1st Reagan Administration	20
1985-1988	2nd Reagan Administration	145
1989-1992	Bush Administration	96
1993	Clinton Administration**	5

Over 90% of the 2,238 missing Americans were lost in Vietnam or in areas of Laos and Cambodia controlled by Vietnamese forces during the war. While unilateral Vietnamese repatriations of remains have accounted for the vast majority of the returned Americans, all but 3 of the Americans accounted for in Laos have been the result of joint excavations. The breakdown by country of the 345 Americans accounted for since 1973:

Vietnam	280	Laos	56
China	2	Cambodia	3
Other*	4		

*Recovered by indigenous personnel; 1 from NVN and 3 from Laos.

**3 from Vietnam; 2 from Cambodia



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**POW/MIA AGREEMENTS BETWEEN THE US AND SRV
February 1982 - August 1993**

February, 1982: Delegation to Hanoi, led by Deputy Assistant Secretary of Defense Armitage, met with Vietnamese Deputy Foreign Minister Dinh Ngo Liem. Vietnam agreed:

- * In principle to continue working level, technical meetings between JCRC/CILHI and VNOSMP and consider the rate of four per year.
- * To send a team to CILHI and JCRC.
- * To consider the US proposal for joint US/SRV searches.

September, 1982: Four Member League Delegation to Hanoi** met with Vice Foreign Minister Vo Dong Giang and others.

- * Vietnam announced that they would accept the US proposal to meet four times a year on POW/MIA.

4 REMAINS RETURNED IN 1982 WERE IDENTIFIED AS AMERICANS

July, 1983: Reacting to Secretary of State Shultz's remarks during the ASEAN Post-Ministerials in Bangkok (that Vietnam was holding over 400 US remains), the SRV suspended further technical talks, citing "hostile statements" by senior Administration officials.

September, 1983: League Executive Director Griffiths met in New York with FM Thach (first meeting).

- * FM Thach denied that Vietnam was withholding remains, as stated by Secretary of State George Schultz during the ASEAN post-ministerials (that over 400 remains are being withheld by the Vietnamese).
- * League reaffirmed US position on the report as credible, noting that Vietnam had done little to dissuade the US position.
- * League provided current US Government position on live POWs, President's commitment on POW/MIA and arranged for direct, policy level talks in NY.

October, 1983: NSC Director for Asian Affairs Childress and League Executive Director Griffiths met in New York for informal, very direct discussions over dinner with FM Thach.

- * US views and expectations on POW/MIA were provided, citing examples of discrepancy cases.
- * Both sides agreed that cooperation would be on a humanitarian basis.

- * NSC clarified that Vietnam should position itself for improved relations by moving bilaterally to resolve the POW/MIA issue, thus giving the US flexibility to move forward once a Cambodia settlement was achieved.
- * Thach agreed in principle to receive in Hanoi a senior US delegation to discuss expanding US/SRV cooperation; agreement was confirmed in November.
- * Discussions were held on easily resolvable cases in the "Hanoi/Haiphong area."

8 REMAINS RETURNED IN 1983 WERE IDENTIFIED AS AMERICANS

January 1984: Joint Communique issued by SRV, LPDR and PRK.

"With the spirit of friendship between the American people and the three Indochinese peoples which was strengthened in the struggle against the war of aggression waged by the U.S. leaders in Indochina, on the basis of humanitarianism, and understanding the American people, each country in Indochina will try to inform one another about the Americans missing during the war in Laos, Vietnam and Kampuchea."

February, 1984: Statement issued by US and SRV governments prior to USG delegation to Vietnam.

"By mutual agreement, the governments of the United States and the Socialist Republic of Vietnam believe that the issue of Americans missing in Vietnam is a humanitarian one to be dealt with through mutual cooperation and good will...."

February 1984: Delegation to Hanoi** led by Assistant Secretary of Defense Armitage. (NSC/Childress delivered Shultz letter.) Vietnam agreed:

- * To accelerate efforts to achieve fullest possible accounting.
- * That initial efforts would focus on "easily accessible cases in the Hanoi/Haiphong area" (discrepancy cases) and easily retrievable remains.
- * Provided new information on several missing Americans.
- * To resume technical meetings in the near future.

April, 1984: League Executive Director Meeting with Vietnamese Ambassador Hoang Bich Son in New York. The Ambassador:

- * Affirmed Vietnam's intention to honor pledges to accelerate efforts to account for missing Americans, concentrating

initially on "accessible cases."

- * Affirmed Vietnam's pledge to officially release to the U.S. Government remains of several missing Americans promised during earlier technical meetings.

October, 1984: NSC/Childress led a US delegation to New York** for meetings with FM Thach and other SRV officials. Cooperation had stalled over SRV perception regarding U.S. "hostilerhetoric" and U.S. sale of radar to the PRC. Thach:

- * Stated the SRV's intention to accelerate efforts on efforts to resolve "accessible cases in the Hanoi/Haiphong area."
- * Agreed to focus on resolving cases listed by the Provisional Revolutionary Government (PRG) as died in captivity in South Vietnam.
- * Stated the SRV's intention to send teams into the countryside to follow-up reports and to locate first-hand sources of information related to Americans missing in Vietnam.
- * Strengthened Vietnam's prior commitments, emphasizing that his government wanted to move rapidly to resolve the humanitarian, problems which still divide the US and SRV and move forward to improve the atmosphere between the two countries.

6 REMAINS RETURNED IN 1984 WERE IDENTIFIED AS AMERICANS

January, 1985: League Executive Director Griffiths met in NY with SRV Ambassador Hoang Bich Son.

- * In response to expressed U.S. disappointment that efforts were moving too slowly, the SRV Ambassador pledged that "1985 will be a year of progress on the MIA issue."

March, 1985: NSC/Childress led a US delegation to Hanoi** for lengthy discussions with FM Thach. In response to US initiatives to expand joint efforts through development of a comprehensive two-year plan, Thach:

- * Agreed to increase the number of technical level meetings from four to a minimum of six per year, or more if warranted.
- * Agreed to expedite the return of remains promised in February to technical officials. (Six remains, the first (2) from the PRG's DIC list addressed in Thach's 1984 pledge, were repatriated later in March.)
- * Reaffirmed Vietnam's agreement to focus efforts on resolving "accessible cases in Hanoi/Haiphong area."
- * To consider the US-proposed two-year plan to expedite resolution of the issue.

July, 1985: As a result of discussions in New York between Indonesian Foreign Minister, NSC/Childress, League/Griffiths, SRV Foreign Minister Thach agreed to FM Mochtar's proposal to renew negotiations with senior US officials aimed at resolving the (POW/MIA) issue within two years.

August, 1985: NSC/Childress led a US delegation to Hanoi** for meetings with Acting Foreign Minister Vo Dong Giang. During side conversations, Childress raised the need for unilateral SRV efforts to locate and return U.S. citizen Robert Schwab.

- * US proposed a comprehensive bilateral work plan to accomplish the US objective of resolving issue within the pledged two-year time frame. (The US proposal included establishing a technical presence in Hanoi, subsequently rejected by Vietnam unless they could establish a reciprocal office in Washington, D.C.)
- * Vietnam provided their own plan to the US which included political statements, Cambodia-related matters and language which relegated POW/MIA issue to remains recovery.
- * Both sides agreed to meet in New York in September to resolve differences over each side's version of a two-year plan to resolve the issue.
- * Vietnam stated their willingness to continue investigating any reports on live POWs which arise.
- * Vietnam agreed to check with official in the south on the case of U.S. citizen Robert Schwab.

September, 1985: NSC/Childress led a US delegation to New York** for follow-up discussions with Minister Vo Dong Giang.

- * US provided input on Vietnam's version of a two-year plan which was accepted in principle, with a commitment for further consideration and response.
- * Vietnam affirmed willingness to conduct a joint crash site excavation near Hanoi (conducted 11/85) and pledged that additional US remains would soon be repatriated (returned 7 remains in 12/95).
- * Vietnam clarified that bilateral cooperation to resolve the issue and their commitment to accelerate efforts are not linked to any other matters.
- * The US agreed, again noting that ongoing bilateral cooperation on POW/MIA would position the SRV for improved relations once a Cambodia settlement was achieved.

38 REMAINS RETURNED IN 1985 WERE IDENTIFIED AS AMERICANS

January, 1986: Assistant Secretary of Defense Armitage led a US-proposed delegation to Hanoi**, including Assistant Secretary of State Wolfowitz and NSC/Childress who again raised the case of U.S. citizen Robert Schwab, urging immediate answers. Meetings with SRV Foreign Minister Thach brought Vietnam's affirmation of the following:

- * Vietnam's willingness to investigate any live sighting reports the US provides, as well as those which unilaterally come to their attention.
- * Agreement to conduct multiple field activities in cooperation with the US.
- * Thach reiterated the SRV position that resolving the POW/MIA issue is a humanitarian matter, to be settled regardless of political or policy differences which divide the two countries.
- * Vietnam reaffirmed all earlier agreements, including unilateral search efforts into the case of U.S. citizen Robert Schwab.

April, 1986: At Vietnam's request, League Executive Director met in New York with Vietnamese Ambassador Bui Xuan Nhat.

- * Ambassador conveyed Vietnam's perception that the US Government lacked formal commitment to the two-year work plan to resolve the POW/MIA issue.
- * Ambassador cited FM Thach's statement, issued from the non-aligned conference in New Delhi, that talks with the US on the humanitarian POW/MIA issue could not proceed, linking future talks and cooperation to US actions in combating international terrorism (Libya).
- * Griffiths rejected SRV claims of inadequate USG commitment and Vietnam's decision to link humanitarian POW/MIA cooperation to the terrorism problem, urging immediate resumption of joint efforts.

May, 1986. NSC/Childress led a US delegation to New York** for talks with SRV Deputy Foreign Minister Hoang Bich Son.

- * Vietnam agreed to resume/reschedule technical level activities.
- * Vietnam announced an increase in personnel and resources in their VNOSMP.
- * Vietnam affirmed earlier telephone/letter notification that U.S. citizen Robert Schwab had been located in the south and would be repatriated soon.

July, 1986: NSC/Childress led a US delegation to Hanoi** for meetings with SRV Foreign Minister Thach. Vietnam...

- * Assured the US that cooperation would continue and accelerate separate from other matters.
- * Agreed that US and SRV technical representatives would meet in August and October, and stated that the results of these meetings would be "very productive."
- * Agreed that US and SRV forensic specialists would meet in Vietnam for consultations.
- * Agreed to provide to the US, in writing, the results of its investigations into reports of live prisoner sightings.
- * Agreed to allow US experts to accompany its officials on investigations in accessible areas.
- * Agreed to advance discussion of specific crash sites for joint excavation.
- * Accepted a US invitation for another visit to the CILHI and JCRC facilities.
- * Agreed on sensitive arrangements to repatriate U.S. citizen Robert Schwab.

August, 1986: NSC/Childress undertook a special, secret mission to HCMC to repatriate U.S. citizen Robert Schwab.

October, 1986: Deputy Assistant Secretary of State Monjo led a US delegation to New York** for meetings with SRV Minister of State Vo Dong Giang.

- * Vietnam reaffirmed that current cooperation is not linked to normalization of relations or any other political consideration.

In a separate, three-hour meeting with Minister Giang, Childress urged renewed cooperation on the two-year plan which, it was obvious, Vietnam did not intend to implement. Giang:

- * Commended the sensitivity with which the Robert Schwab repatriation was handled.
- * Commented that should this or a similar situation arise the future, it should be handled in this manner, i.e. close-held, without public pronouncements or recriminations.

13 REMAINS RETURNED IN 1986 WERE IDENTIFIED AS AMERICANS

April, 1987: President Reagan publicly announced his appointment of General John W. Vessey, Jr., as Emissary to Hanoi on POW/MIA. (This action, initiated in October, 1986 and decided in February, 1987 was due to a near-total halt in SRV cooperation.)

May, 1987: NSC/Childress led a US delegation to Hanoi** to establish a valid framework for a proposed mission by Vessey-led US delegation.

- * Vietnam reaffirmed that cooperation to resolve the POW/MIA issue and other humanitarian problems is separate from political matters which divide the two countries.
- * Vietnam expressed concern over perceived US failure to "create a favorable atmosphere" for cooperation, citing the need to motivate the Vietnamese people to gain their assistance.
- * Vietnam cited U.S. foreign policy as "hostile."
- * Vietnam agreed, after very tough rhetorical talks, to accept Presidential emissary without preconditions.

August, 1987: Presidential Emissary to Hanoi for POW/MIA Affairs General Vessey led a US delegation to Hanoi** for meetings with SRV Foreign Minister Thach in an effort to gain renewed cooperation.

- * Vietnam pledged to renew POW/MIA cooperation, focusing initially on discrepancy cases and those listed as died in captivity in the South (emphasis on 70 cases termed "most compelling" by General Vessey).
- * Both sides reaffirmed that cooperation on POW/MIA and other humanitarian issues would be pursued separate from political matters such as normalization of relations.
- * Specific measures were agreed upon to accelerate progress toward accounting for missing Americans.
- * Both sides agreed to hold subsequent meetings of POW/MIA experts on these matters.
- * The US agreed, within legal and policy constraints, to address certain urgent humanitarian concerns of the Vietnamese, focusing initially on the disabled.
- * The US agreed to send a team of humanitarian experts to meet with their Vietnamese counterparts and to compile information on the problems of disabled, focused on prosthetics. (Results of studies to be provided to American NGO's.)

September, 1987. General Vessey led a US delegation to New York** for discussions with SRV Deputy Foreign Minister Nguyen Dy Nien to follow up the early August talks in Hanoi.

- * Discussions focused on both sides' steps to address the humanitarian concerns of the other and further actions required.

December, 1987: NSC/Childress led a US delegation to New York** for meetings with SRV officials at the UN to urge more rapid cooperation; the SRV agreed to technical talks in January, 1988.

8 REMAINS RETURNED IN 1987 WERE IDENTIFIED AS AMERICANS

June, 1988: General Vessey led a US delegation to New York* for meetings with SRV Foreign Minister Thach.

- * Vietnam and US renewed agreement to accelerate cooperations on the respective humanitarian concerns of the other.
- * FM Thach agreed to work seriously to fulfill the agreements reached in August 1987, including the requested focus on resolving discrepancy cases.
- * Agreement was reached to allow Vietnam's POW/MIA technical personnel to visit the JCRC and CILHI.
- * FM Thach agreed in principle to conduct joint field activities (surveys and excavations).

August, 1988: By letter to General Vessey from FM Thach, Vietnam announced temporary suspension of their offer for joint field activities, citing US "hostile policy" as the rationale.

September - December, 1988: Vietnam's September agreement to resume cooperation on POW/MIA brought significantly increased remains repatriations and increased joint field operations, a pattern which continued until the first part of 1989.

October, 1988: General Vessey led a US delegation, including Assistant Secretary of State Gaston Sigur, to New York** for meetings with SRV Vice Foreign Minister Tran Quang Co.

- * Discussions focused on increasing bilateral cooperation on the POW/MIA issue and other humanitarian concerns of interest to both countries.
- * Vietnam and the US agreed that joint investigations and surveys should be continued as should work at the technical level to make joint efforts more efficient and productive.

62 REMAINS RETURNED IN 1988 WERE IDENTIFIED AS AMERICANS

February, 1989: President Bush reappointed General Vessey as Special Emissary to Hanoi for POW/MIA Affairs.

October, 1989: General Vessey led a US delegation to New York** for preliminary discussions with SRV Vice Minister Nguyen Dy Nien to affirm the agenda for a Vessey-led US delegation to Hanoi*. Discussions with SRV Foreign Minister Thach brought the following:

- * Vietnam agreed to expand and refine the joint process to account for missing Americans.
- * Vietnam agreed to conduct additional research efforts to obtain data regarding previously investigated discrepancy cases, additional compelling discrepancy cases and incidents which occurred in what were then Vietnamese controlled areas of Laos.
- * Vietnam and US agreed to continue and expand joint endeavors to support bilateral efforts, particularly dealing with field investigations and the need for specific data, as well as access to eye-witnesses.

December, 1989: Deputy Assistant Secretary of State Lambertson led a US delegation to New York** for talks with SRV Ambassador Trinh Xuan Lang.

- * The US stressed the need for more serious implementation of the October 1989 Vessey/Thach agreements for accelerated cooperation.
- * Vietnam reaffirmed their pledge to increase cooperation.

33 REMAINS RETURNED IN 1989 WERE IDENTIFIED AS AMERICANS

September 1990: Assistant Secretary of State Solomon led a US delegation, including General Vessey, to New York** for discussions with Vietnamese Vice Foreign Minister Le Mai.

- * Discussions focused on Cambodia and the need to move rapidly to resolve the POW/MIA issue.

September, 1990. Secretary Baker met with SRV Vice Premier/Foreign Minister Thach in New York. Emphasis was placed on the need for Vietnam to move now to resolve the POW/MIA issue to ensure that it does not become an obstacle to the pace and scope of improving relations, once a comprehensive settlement is reached in Cambodia.

October, 1990. General Vessey led a US delegation for meetings in Washington D.C.** with SRV Vice Premier/Foreign Minister Thach and other Vietnamese officials. (Secretary Baker waived the 25-mile restriction on officials of "enemy" countries to enable Thach's party to travel to Washington, reinforcing US emphasis on resolving the POW/MIA issue.)

- * The Vietnamese agreed to formation of a joint research "information seeking" team to locate and make available historical documents relevant to individual cases.

- * The Vietnamese agreed to increased unilateral Vietnamese efforts to repatriate remains of U.S. personnel.
- * US again (first time since 1986) indicated willingness to consider establishing a temporary POW/MIA team in Hanoi if the work-load was sufficient, noting that if dramatic progress were made, such an office could be retained on a permanent basis.

17 REMAINS WERE RETURNED AND IDENTIFIED AS AMERICANS IN 1990

April, 1991: Assistant Secretary of State Solomon provided the US "roadmap" policy, outlining reciprocal steps toward resuming normal relations between the US and Vietnam.

April, 1991: General Vessey led an IAG delegation to Hanoi** for meetings with SRV Vice Premier/Foreign Minister Thach.

- * The US provided an assessment of joint investigations to date and further outlined the need for cooperation to facilitate POW/MIA results.
- * Vietnam rejected the US proposals and linkage of POW/MIA cooperation to the pace and scope of the bilateral normalization process as outlined in the US "roadmap."
- * Agreement was reached to establish a temporary US POW/MIA Office in Hanoi. (US specialists established the office in June, returning in late July for a continuous presence since that time.)

August, 1991: Assistant Secretary of State Solomon and Vietnamese Vice Foreign Minister Le Mai met in Bangkok, in conjunction with Cambodia settlement talks in the context of the Perm Five.

- * Vietnam indicated strong interest to moving more rapidly toward normalization of relations, focused on their view that most of the discrepancy cases have been "resolved."

October, 1991: General Vessey led a US delegation to Hanoi** for meetings with newly appointed SRV Foreign Minister Nguyen Manh Cam. Also, for the first time, talks were held with the Prime Minister, newly appointed Vo Van Kiet.

- * Vietnam (Prime Minister Vo Van Kiet) pledged "unconditional cooperation" to resolve the issue.
- * Vietnam reaffirmed earlier commitments.

4 REMAINS RETURNED IN 1991 WERE IDENTIFIED AS AMERICANS

February, 1992: General Vessey led a military delegation to Hanoi January 30-February 1st. For the first time, talks were held with SRV Minister of Defense Doan Khue, and Vice Ministers of Defense and Interior participated in the plenary sessions. An important document, the Military Region IV summary of shoot-downs, was turned over. In the Joint Statement issued by General Vessey and Foreign Minister Cam at the conclusion of their meetings:

- * Vietnam and the US agreed to strengthen existing measures to acquire and confirm information regarding missing Americans and to continue to resolve remaining problems.
- * Vietnam and the US agreed to hold expert meetings to discuss ways to accelerate resolution of the 119 LKA discrepancy cases and to plan operations for the next 12 to 24 months.
- * The US announced its intention to provide \$25,000 in disaster relief to aid victims of a recent typhoon in Central Vietnam; Vietnam requested that the US increase its contributions in this area.
- * Vietnam and the US agreed to hold meetings in Hanoi by the end of February to further evaluate the US programs and Vietnam's humanitarian needs.
- * Vietnam and the US reiterated the desire of their respective governments for early normalization of relations.

March 1992: Assistant Secretary of State Richard Solomon led a US delegation to Hanoi (also Vientiane and Phnom Penh)**.

- * Vietnam agreed to provide access to records retained in museums located in Ho Chi Minh City and Hanoi and access to an official who had direct knowledge of and responsibility for US POWs during the war.
- * Vietnam agreed to a live sighting investigation mechanism, with short-term notification of location, and undertook one such an investigation.
- * Vietnam affirmed earlier agreements to recover and repatriate remains and agreed to another experts meeting to exchange information on specific cases in which the US believes remains should be available to SRV authorities.
- * The US agreed to provide Vietnam with approximately \$3 million in humanitarian aid.

October, 1992: General Vessey led a US delegation, including Senator John McCain and members of the POW/MIA Interagency Group, to Hanoi to reinforce the need for greater Vietnamese responsiveness on the Solomon Agreements.**

7 REMAINS RETURNED IN 1992 WERE IDENTIFIED AS AMERICANS

April, 1993: General Vessey led another largely military delegation to Hanoi to pursue additional access to documents and records.

July, 1993: Deputy Secretary of Veterans Affairs Hershel Gober, Assistant Secretary of State for Asian and Pacific Affairs Winston Lord and LTG Michael Ryan, USAF, Assistant to the Chairman, Joint Chiefs of Staff, led a US delegation to Hanoi. The group included representatives of The American Legion, Veterans of Foreign Wars, Vietnam Veterans of America and AMVETS. The delegation reiterated four points, outlined on July 2nd in conjunction with President Clinton's decision to end US opposition to funding by the international financial institutions of development projects in Vietnam. The four points, listed as those requiring concrete results before the US would move forward, economically or politically, to improve bilateral relations with Vietnam, are:

- * Remains: Concrete results from efforts on Vietnam's part to recover and repatriate American remains.
- * Discrepancy cases: Continued resolution of 92 LKA discrepancy cases, live sighting reports and field activities.
- * Laos: Further assistance in implementing trilateral investigations with the Lao.
- * Archives: Accelerated efforts to provide all POW/MIA related documents that will help lead to genuine answers.

August, 1993: Senior US (NSC-Wiedemann; State-Quinn; DOD-Ross) officials met with Vietnamese Vice Foreign Minister Le Mai and Lao Vice Foreign Minister Soubanh to develop a process for trilateral cooperation to account for Americans missing in Laos, but in areas under Vietnamese control during the war.

- * Agreement was reached on bilateral US/LPDR and US/SRV field operation within each country and meetings for exchange of information among the three country's representatives.
- * Vietnam agreed to do whatever the US requires to meet the Clinton Administration's stated criteria.

On August 31st, Vietnam provided long-sought Group 559 and Group 875 documents to US officials.

September, 1993: President Clinton renewed the US embargo against Vietnam, but eased restrictions to permit US companies to enter into contracts funded by the international financial institutions, reportedly to reciprocate for "significant progress" being provided by the Vietnamese on the four points listed above.

3 REMAINS RETURNED IN 1993 HAVE BEEN IDENTIFIED AS AMERICANS

** Indicates participation of League Ex. Dir. Ann Mills Griffiths.



202/224 6846

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POW/MIA COMMITMENTS BY PRESIDENT CLINTON/CLINTON ADMINISTRATION

- December 10, 1993: The President, in letter to Senator Bob Smith, (R-NH) distributed to attendees of Veterans Briefing December 15th.

"... I have made achieving the fullest possible accounting for our POW/MIAs the test of our relationship with Vietnam. ...I will not accept mere activity by Vietnam on POW/MIA issues as 'progress'."

- November 11, 1993: The President, during his address at the Tomb of the Unknowns, Arlington National Cemetery, Washington, D.C.

"Our nation has a particular responsibility to pursue the fate of our missing from the war in Vietnam. On Memorial Day, I pledged here that our government would declassify and make available virtually all documents related to those who never returned from that war, and that I would do it by this day, Veterans Day. I can tell you that last evening, the Secretary of Defense completed that task. That promise has been fulfilled. I know that our government, our nation together have a solemn obligation to the families of those who are missing to do all we can to help them find answers and peace of mind."

- July 16, 1993: Deputy National Security Advisor Samuel R. Berger in his address to the National League of POW/MIA Families 24th Annual meeting.

"...The President understands that while the processes underway in Vietnam are important, the litmus tests here are concrete results and solid answers. ...the President felt that it was best to use the IFI decision as a vehicle both for recognizing Vietnamese progress to date -- and, more importantly, pressing for further results. The President specifically rejected suggestions that he lift the trade embargo, partially or fully, even though that position disadvantages American business. This is not a commercial or diplomatic issue for the President; it is a moral one. ... The President will not move forward on any bilateral economic or political steps -- on the issues we truly control -- until there are further tangible results from the Vietnamese. ... Vietnamese efforts to date, while welcome, are not sufficient to warrant changes in our trade embargo or further steps in U.S.-Vietnam relations."

- July 2, 1993: White House Press Statement by the President on U.S. Policy Toward Vietnam

"...Our policy toward Vietnam must be driven not by commercial interests but by the overriding purpose of achieving further progress toward the fullest possible accounting of our POW/MIAs...Progress to date is simply not sufficient to warrant any change in our trade embargo or any further steps toward normalization. Any further steps in relations between our two nations depend on tangible progress on

the outstanding POW/MIA cases. We insist upon efforts by the Vietnamese in four key areas: Remains: Concrete results from efforts on their part to recover and repatriate American remains. Discrepancy Cases; Continued resolution... Laos: Further assistance in implementing trilateral investigation with the Lao. Archives: Accelerated efforts to provide all POW/MIA related documents..."

- **May 31, 1993:** During his address at the National Vietnam Veterans Memorial, the President stated, "Today let us also renew a pledge to the families....We will do all we can to give you not only the attention you have asked for but the answers you deserve....We are pressing the Vietnamese to provide this accounting not only because it is the central outstanding issue in our relationship with Vietnam, but because it is a central commitment made by the American government to our people. And I intend to keep it."
- **April 23, 1993:** During White House news conference.

Question: Before the U.S. normalizes relations, allows trade to go forward, do you have to be personally assured that every case has been resolved...

The President: "A lot of experts say you can never resolve every case.... But what I would have to be convinced of is that we had gone a long way towards resolving every case...and we're not there yet. Again, I have to be guided a little bit by people who know a lot about this, and I confess to being much more heavily influenced by the families of the people whose lives were lost there or whose lives remain in question than by the commercial interests and the other things which seem so compelling in this moment. I just am very influenced by how the families feel."

March 22, 1993: Secretary of State Warren Christopher in his address to the Council on Foreign Relations, Chicago, Illinois.

Question: What will be the U.S. approach to end the embargo in Vietnam?

Secretary Christopher: "As you know, the United States has had two primary preconditions to ending the embargo and to the normalization of relationships with Vietnam. First was their support for the United Nations peacekeeping efforts in Cambodia, and on that score, I would say that Vietnam has fulfilled its obligations."

"The second precondition was that we would be satisfied on the POW/MIA issue.... Our administration will be assessing that progress very carefully to determine whether we can move further down the road, or down the roadmap, to use the technical term, toward normalization with Vietnam...."

- February 10, 1993: During the regular White House briefing.

Question: President Mitterand today asked the U.S. to lift the economic embargo on Vietnam. Do you have any comment about that?

George Stephanopoulos (Communications Director): "All I can say is we've generally supported the roadmap policy. We want to make sure that we have a full accounting of all MIAs, and that's the policy we'll continue."

- February 3, 1993: White House official reaction on policy toward normalizing relations with Vietnam, responding to a Reuters News Agency inquiry.

"President Clinton has already stated we will only move forward when there's the fullest possible accounting of all those listed as missing."

PRE-ELECTION COMMITMENTS

- November 11, 1992: President-elect Clinton's address, Veterans Day Ceremony, Little Rock, Arkansas.

"...as I have pledged throughout my campaign, I will do my very best to make sure we have a final resolution of the POW/MIA issue...I have sent a clear message that there will be no normalization of relations with any nation that is at all suspected of withholding any information. We must have as full an accounting as is humanly possible."

- September 10, 1992: Issue paper, entitled "Clinton-Gore on Issues of Concern to Veterans."

"Make resolution of the POW/MIA issue a national priority by insisting on a full accounting of all POWs and MIAs before normalizing relations with Vietnam; working with the Russian government to reveal any information it has on Americans held; and declassify pertinent government documents."

- March 17, 1992: Signed letter from Governor Clinton to League Executive Director Ann Mills Griffiths.

"Thank you for your thorough and helpful briefing on POW/MIAs. This issue is certainly due proper attention and timely action."

January 6, 1994

FINAL VERSION: 22 MAY 1992 (Copy provided to SRV)

REMAINS AND RECORDS BRIEF

INTRODUCTION

WE ARE VERY PLEASED TO HAVE THIS OPPORTUNITY FOR BOTH OF OUR COUNTRIES TO REVIEW IN DEPTH THE MATTER OF POW/MIA RECORDS AND REMAINS, BOTH OF WHICH HAVE GREAT BEARING ON OBTAINING THE FULLEST POSSIBLE ACCOUNTING. DURING HIS LAST VISIT GENERAL VESSEY TOLD MINISTER CAM HOW THE INFORMATION AVAILABLE TO US HAS CREATED EXPECTATIONS ABOUT THE DEGREE OF ACCOUNTING WHICH IS POSSIBLE-- PARTICULARLY ON THE RECOVERY OF REMAINS. WHEN ASSISTANT SECRETARY SOLOMON CAME HERE IN EARLY MARCH, HE REITERATED GENERAL VESSEY'S EARLIER POINT THAT INFORMATION ABOUT YOUR GOVERNMENT'S EFFORTS TO COLLECT AMERICAN REMAINS BOTH DURING THE WAR AND SINCE WOULD BE VERY HELPFUL IN INCREASING UNDERSTANDING OF THE ISSUE. THE FACT THAT THIS INFORMATION EXCHANGE IS TAKING PLACE IS A MEASURE OF HOW FAR WE HAVE COME IN OUR JOINT EFFORTS TO COOPERATE IN RESOLVING THIS ISSUE. WE ARE HERE IN THAT SPIRIT, HOPING THAT THESE DISCUSSIONS WILL BRING GREATER UNDERSTANDING, OPENNESS AND RESULTS FROM OUR COOPERATIVE EFFORTS. WE WILL PROVIDE INFORMATION WHICH SERVES AS A BASIS FOR U.S. POLICY REGARDING THESE ISSUES.

WE PROPOSE TO BEGIN WITH A SUMMARY OF THE INFORMATION AVAILABLE TO US CONCERNING YOUR GENERAL SYSTEMS FOR COLLECTION OF INFORMATION AND REMAINS. WE WOULD THEN HOPE TO HEAR YOUR PRESENTATION ON THE SAME SUBJECTS AND ANY OTHER YOU WOULD CARE TO RELATE.

THE U.S. HAS COLLECTED A LARGE AMOUNT OF INFORMATION REGARDING YOUR GOVERNMENT'S RECORD-KEEPING ON U.S. CASUALTIES AND POWS, AND EFFORTS TO COLLECT AND STORE U.S. REMAINS. TODAY WE WILL OUTLINE THE SCOPE OF THAT INFORMATION AND DESCRIBE OUR UNDERSTANDING OF HOW YOUR PROGRAMS OF RECORD-KEEPING AND REMAINS COLLECTION WORKED, AS WELL AS INFORMATION THAT STRONGLY INDICATES TO US THAT YOUR GOVERNMENT PRESERVED AND STILL MAINTAINS RECORDS ON AMERICANS KILLED OR CAPTURED BY PAVN FORCES IN VIETNAM, AND IN LAOS AND CAMBODIA. WE WILL ALSO DESCRIBE THE BASIS FOR OUR ASSESSMENT THAT A SIGNIFICANT NUMBER OF U.S. REMAINS EITHER HAVE BEEN RECOVERED OR SHOULD BE EASILY RECOVERABLE, INCLUDING THE 17 PRIORITY DISCREPANCY CASES NOTED BY ASSISTANT SECRETARY SOLOMON DURING HIS RECENT VISIT TO HANOI, ON WHICH JOINT INVESTIGATION HAS CONFIRMED DEATH.

DURING THE WAR, U.S. FORCES CAPTURED THOUSANDS OF DOCUMENTS. AMONG THESE WERE MANY DOCUMENTS ASSOCIATED WITH PAVN DIRECTIVES MANDATING RECORD-KEEPING AND REPORTING ON U.S. CASUALTIES AND POWS. SOME OF THESE DOCUMENTS DISCUSSED THE DIRECTIVES THEMSELVES; OTHERS DISCUSSED ENFORCEMENT OF THE DIRECTIVES; STILL OTHERS NOTED INDIVIDUAL INSTANCES IN WHICH CADRE FAILED TO FOLLOW PROPER RECORD-KEEPING AND REPORTING PROCEDURES. ADDITIONAL INFORMATION ON THESE MATTERS WAS ACQUIRED FROM RALLIERS AND CAPTURED VIETNAMESE POWS, FROM RETURNED U.S. POWS, AND FROM VIETNAMESE NEWS BROADCASTS AND PUBLICATIONS.

DURING THE POSTWAR PERIOD, REFUGEES AND OTHER PERSONS PROVIDED US WITH INFORMATION ABOUT YOUR GOVERNMENT'S RECORD-KEEPING AND REMAINS COLLECTION SYSTEMS, BOTH-IN THE NORTH AND THE SOUTH, AS WELL AS IN AREAS TRAVERSED BY THE STRATEGIC ROUTE LINKING THE TWO AND OTHER AREAS WHERE PAVN FORCES WERE DEPLOYED IN LAOS AND CAMBODIA. DURING JOINT FIELD ACTIVITIES, WE HAVE INTERVIEWED MANY WITNESSES WHO TOLD OUR TEAMS ABOUT OFFICIAL RECORD-KEEPING ON INDIVIDUAL CASES, AS WELL AS WITNESSES WHO KNEW OF CASES IN WHICH OFFICIALS OF YOUR GOVERNMENT LATER RETURNED TO BURIAL SITES TO COLLECT THE REMAINS OF MISSING AMERICANS. WE HAVE ALSO HAD AN OPPORTUNITY TO VIEW VIETNAMESE DOCUMENTS AND PUBLICATIONS THAT CONTAIN IMPORTANT INFORMATION ON AMERICANS MISSING AND UNACCOUNTED FOR DURING THE WAR. SOME OF THESE DOCUMENTS AND PUBLICATIONS ALSO DESCRIBE YOUR GOVERNMENT'S EFFORTS TO PRESERVE ARCHIVAL RECORDS AND TO COLLECT U.S. REMAINS FROM ORIGINAL BURIAL SITES.

AS YOU KNOW, TO OUR GOVERNMENT, FULLEST POSSIBLE ACCOUNTING MEANS THE RETURN OF A LIVING PERSON, THE RETURN OF HIS OR HER REMAINS, OR A CREDIBLE REASON WHY NEITHER IS POSSIBLE. WE KNOW THAT IT WILL NOT BE POSSIBLE TO ACCOUNT FOR EVERYONE BY THE RETURN OF A LIVING PERSON OR HIS OR HER REMAINS. IN MANY CASES IT WILL ONLY BE POSSIBLE TO ACQUIRE INFORMATION ABOUT THE FATE OF THE PERSON OR ABOUT THE LOSS INCIDENT, MAINLY THROUGH RESEARCH INTO YOUR ARCHIVAL RECORDS. IN SOME CASES, IT WILL NOT BE POSSIBLE TO LEARN ANYTHING AT ALL. OUR ABILITY TO IDENTIFY THIS LAST GROUP OF CASES, THOSE FOR WHICH THERE WILL NEVER BE ANY ANSWERS, WILL ULTIMATELY DEPEND ON CONFIDENCE DEVELOPED AS RESULTS ARE ACHIEVED AND ON THE SUCCESS OF OUR JOINT RESEARCH EFFORTS. THROUGH SUCH RESEARCH, A REALISTIC ASSESSMENT CAN BE MADE REGARDING THE EXTENT OF YOUR GOVERNMENT'S ABILITY TO HELP PROVIDE ANSWERS AND TO DETERMINE WHICH CASES WILL LIKELY REMAIN UNRESOLVED DUE TO LACK OF KNOWLEDGE.

RECORDS

I'D LIKE TO SPEAK FIRST ABOUT OUR EXPECTATIONS AS TO THE NATURE AND EXTENT OF INFORMATION THAT LIKELY COULD BE FOUND IN ARCHIVAL RECORDS.

BASED ON INFORMATION ACQUIRED THROUGH ORIGINAL DOCUMENTS, WARTIME AND REFUGEE INTERVIEWS, AND OTHER SOURCES, WE HAVE LEARNED THAT PAVN DEVELOPED A SPECIALIZED CADRE AND A DEDICATED ORGANIZATION TO HANDLE FOREIGN PRISONERS AND CASUALTIES DURING THE FIRST INDOCHINA WAR. THAT CADRE AND ORGANIZATION, WHICH APPEAR TO HAVE CONTINUED TO OPERATE INTO THE EARLY 1960S, WAS ADAPTED TO DEAL WITH U.S. FORCES WHEN THEY WERE INTRODUCED INTO INDOCHINA.

ACCORDING TO OUR UNDERSTANDING, YOUR GOVERNMENT'S PRINCIPAL POW HANDLING ARM WAS THE CUC DICH VAN OF THE GENERAL POLITICAL DIRECTORATE, PAVN. THE CUC DICH VAN OPERATED IN CONJUNCTION WITH THE MINISTRY OF PUBLIC SECURITY/MINISTRY OF INTERIOR. PAVN DOCUMENTS IDENTIFY OFFICE 22, GROUP 875, DEPARTMENT OF MILITARY JUSTICE, GENERAL POLITICAL DIRECTORATE, AS A COMPONENT THAT MAINTAINED RECORDS CONCERNING U.S. POWS, AS WELL AS DEAD

AMERICANS. PAVN DOCUMENTS ALSO CONFIRM GROUP 875 HELPED SUPERVISE THE COLLECTION AND PRESERVATION OF REMAINS OF DEAD AMERICANS. ALTHOUGH GROUP 875 WAS DISBANDED--AFTER THE WAR, WE HAVE SEEN INDICATIONS THAT ITS ARCHIVAL RECORDS, AND THOSE MAINTAINED BY THE CUC DICH VAN AND THE MINISTRY OF INTERIOR, CONTAIN EXTENSIVE INFORMATION ON AMERICAN CASUALTIES AND POWS AND ON YOUR GOVERNMENT'S EFFORTS TO COLLECT AND PRESERVE AMERICAN REMAINS.

ALTHOUGH THE RECORDS OF THE ELEMENTS MENTIONED ABOVE REPRESENT POTENTIALLY THE MOST EXTENSIVE AND MOST VALUABLE COLLECTION OF INFORMATION ON U.S. POWS AND CASUALTIES, WE HAVE ALSO IDENTIFIED OTHER ELEMENTS THAT SHOULD HAVE SIGNIFICANT INFORMATION ON THESE MATTERS. AT THE CENTRAL GOVERNMENT LEVEL, FOR INSTANCE, TWO ORGANIZATIONS--THE DEPARTMENTS OF AIR DEFENSE AND THE NAVY--SHOULD HAVE VERY USEFUL INFORMATION ON INCIDENTS INVOLVING DOWNED U.S. AIRCRAFT AND THE FATE OF THEIR CREW. MUCH VALUABLE INFORMATION SHOULD ALSO BE LOCATED IN MILITARY AND CIVIL ORGANIZATIONS AT THE REGIONAL AND PROVINCIAL LEVEL. YOUR GOVERNMENT HAS CONFIRMED WHAT OTHER SOURCES HAVE TOLD US REGARDING THE IMPORTANT ROLE THAT REGIONAL AND PROVINCIAL COMMANDS EXERCISED IN HANDLING U.S. POWS AND IN DOCUMENTING AND REPORTING ON POWS AND CASUALTIES. SUCH SOURCES HAVE ALSO INDICATED THAT THESE ELEMENTS PREPARED MULTIPLE COPIES OF REPORTS ON INCIDENTS INVOLVING AMERICANS, ON POW INTERROGATIONS AND ON U.S. BURIAL SITES. WE UNDERSTAND THAT YOUR REPORTING PROCEDURES CALLED FOR THESE COMMANDS TO FORWARD COPIES OF SUCH REPORTS, ALONG WITH I.D. MEDIA ASSOCIATED WITH U.S. PERSONNEL, TO HIGHER HEADQUARTERS AND EVENTUALLY TO HANOI. COPIES OF SUCH REPORTS AND SUPPORTING DATA SHOULD STILL EXIST IN ARCHIVES MAINTAINED AT THE REGIONAL AND PROVINCIAL LEVELS, AS WELL AS AT THE CENTRAL LEVEL. OVER THE LAST SEVERAL MONTHS, WE HAVE SUBMITTED PROPOSALS TO VISIT SOME OF THESE ARCHIVES.

ALTHOUGH WE DO NOT EXPECT TO FIND RECORDS ON 100 PERCENT OF OUR MISSING, WE DO ANTICIPATE FINDING INFORMATION ON A VERY GREAT NUMBER OF CASES. SUCH RECORDS SHOULD CONTAIN INFORMATION DESCRIBING LOSS INCIDENTS AND, IN MANY CASES, DOCUMENTING THE FATE OF OUR PERSONNEL. MANY OF THESE RECORDS SHOULD ALSO INCLUDE INFORMATION REGARDING GRAVESITES AND WILL HELP US TO ASSESS WHETHER REMAINS HAVE ALREADY BEEN RECOVERED OR MIGHT STILL BE RECOVERABLE. INFORMATION FROM THESE RECORDS HAS THE POTENTIAL TO PROVIDE ANSWERS IN A RELATIVELY SHORT PERIOD OF TIME TO A LARGE NUMBER OF FAMILIES WHO STILL HAVE QUESTIONS REGARDING THE FATE OF THEIR LOVED ONES. INFORMATION FROM YOUR ARCHIVES WILL ASSIST OUR JOINT EFFORTS IN ALL AREAS OF MUTUAL CONCERN, INCLUDING INVESTIGATION OF LIVE-SIGHTING REPORTS, RESOLVING THE LAST KNOWN ALIVE DISCREPANCY CASES, AND IN SUPPORTING OUR JOINT LONGER TERM EFFORTS TO REPATRIATE THE REMAINS OF THE DEAD YET TO BE RECOVERED IN THE MOST EFFICIENT WAY POSSIBLE.

REMAINS

NOW, I WILL TURN TO WHAT WE BELIEVE COULD BE ACHIEVED THROUGH VIETNAM'S UNILATERAL EFFORTS TO RECOVER AND RETURN REMAINS AND THROUGH ACCESS TO RECORDS THAT DOCUMENT YOUR GOVERNMENT'S EFFORTS,

SUCCESSFUL AND OTHERWISE, TO LOCATE AND RECOVER U.S. REMAINS. SOME OF OUR INFORMATION ABOUT YOUR GOVERNMENT'S RECORD-KEEPING PROCEDURES RELATES TO VIETNAM'S EFFORTS TO LOCATE, COLLECT, AND STORE THE REMAINS OF U.S. WAR DEAD. OUR INFORMATION ON THIS PROGRAM COMES FROM A VARIETY OF SOURCES DESCRIBING THE COMPREHENSIVE SCOPE OF YOUR GOVERNMENT'S PROGRAM, ITS EXTENSION TO THE SOUTH, TO AREAS ASSOCIATED WITH THE STRATEGIC ROUTE, AND TO AREAS OF LAOS AND CAMBODIA WHERE PAVN FORCES WERE DEPLOYED.

ONE OF THESE SOURCES, A VIETNAMESE MORTICIAN WHO EMIGRATED TO THE U.S., REPORTED THAT HE PERSONALLY WORKED ON OVER 290 SETS OF REMAINS THAT HE WAS CONFIDENT WERE THOSE OF AMERICANS. THE MORTICIAN SUCCESSFULLY DEMONSTRATED TO OUR EXPERTS THAT HE COULD DISTINGUISH BETWEEN MONGOLOID AND CAUCASIAN REMAINS. HE ALSO SAID THAT IN THE HANOI FACILITY WHERE HE WORKED HE SAW MORE THAN 400 BOXES WHICH HE UNDERSTOOD HELD AMERICAN REMAINS. YOUR GOVERNMENT HAS, OF COURSE, RETURNED A NUMBER OF REMAINS TO US IN SUBSEQUENT YEARS, BUT COMPARISON OF THE NUMBER AND TYPE OF THOSE REMAINS WITH THOSE THE MORTICIAN SAW REVEALS A SIGNIFICANT SHORTFALL. ALTHOUGH VIETNAM HAS RETURNED OVER 400 REMAINS, MANY OF THESE WERE MONGOLOID, AND MANY OTHERS DO NOT EXHIBIT EVIDENCE OF PRESERVATION OR LONG-TERM ABOVE GROUND STORAGE DESCRIBED BY THE MORTICIAN AND OTHER SOURCES. IT IS LOGICAL, THEREFORE, THAT WE ARE NOT ABLE TO CONCLUDE THAT ALL THE REMAINS PROCESSED OR OBSERVED BY THE MORTICIAN HAVE BEEN RETURNED TO THE U.S.

THE MORTICIAN, WHOSE KNOWLEDGE EXTENDED ONLY TO 1977, PASSED A POLYGRAPH CONCERNING HIS OBSERVATIONS. OTHER SOURCES, INCLUDING SOME WHO HAVE ALSO PASSED POLYGRAPHS, HAVE CONFIRMED WHAT THE MORTICIAN TOLD US. MOST PROVIDED A HIGHER ESTIMATE OF THE NUMBER OF REMAINS THAT HAD ALREADY BEEN COLLECTED AS OF 1977-79. THESE OTHER SOURCES, INCLUDING WITNESSES QUESTIONED DURING JOINT INVESTIGATIONS, HAVE REAFFIRMED THAT EFFORTS TO COLLECT AND STORE U.S. REMAINS CONTINUED WELL INTO THE 1980'S.

OUR ASSESSMENT ABOUT YOUR GOVERNMENT'S REMAINS COLLECTION PROGRAM IS INFLUENCED BY OUR UNDERSTANDING OF TRADITIONAL VIETNAMESE BURIAL PRACTICES AND BY YOUR GOVERNMENT'S HANDLING OF FRENCH REMAINS. SPECIFICALLY, THE PRACTICE OF INTERRING REMAINS IN TEMPORARY BURIAL SITES, THEN REMOVING AND TREATING THEM BEFORE FINALLY REINTERRING THE REMAINS IN A PERMANENT GRAVESITE WAS FOLLOWED IN SOME INSTANCES WITH U.S. REMAINS. IN ADDITION, YOUR GOVERNMENT UNDERTOOK TO RELOCATE THE REMAINS OF YOUR OWN SOLDIERS TO HEROES' CEMETERIES IN VIETNAM. THIS ALSO SUGGESTS THAT THE SAME PRACTICE COULD HAVE BEEN APPLIED IN DEALING WITH U.S. REMAINS.

FINALLY, OUR FORENSICS EXPERTS TELL US THAT APPROXIMATELY 70 PERCENT OF U.S. REMAINS RETURNED BY YOUR GOVERNMENT SHOW EVIDENCE OF LONG-TERM STORAGE. BY THIS WE MEAN THEY EXHIBITED MINIMAL BONE-MASS LOSS, COMINGLING WITH OTHER REMAINS OF INDIVIDUALS LOST IN WIDELY DISPARATE AREAS, AND COATING WITH PRESERVATIVES AND/OR DISINFECTANTS.

THUS, WHILE YOUR GOVERNMENT HAS RETURNED MANY SETS OF REMAINS THAT

EXHIBIT EVIDENCE OF STORAGE, THE INFORMATION AVAILABLE TO US LEADS TO THE CONCLUSION THAT THERE ARE STILL AMERICAN REMAINS THAT ARE READILY AVAILABLE OR EASILY RETRIEVABLE AND THAT COULD BE REPATRIATED TO THE U.S. IN A VERY SHORT PERIOD OF TIME. BY STORAGE WE MEAN REMAINS KEPT ABOVE OR BELOW GROUND, COLLECTED INTO ONE OR MORE CENTRALIZED FACILITIES, OR LOCATED IN DOCUMENTED GRAVES. IN THIS REGARD, RECORDS THAT DOCUMENT THE SUCCESSES AND FAILURES OF YOUR REMAINS RECOVERY PROGRAM WOULD BE PARTICULARLY USEFUL. IF THERE IS ANY GAP BETWEEN OUR EXPECTATIONS AND YOUR CAPABILITIES, IT IS IN OUR MUTUAL INTEREST TO CLOSE THAT GAP.

TO GUIDE FURTHER DISCUSSION, WE HAVE PREPARED A SERIES OF CASE NARRATIVES WHICH WE PROPOSE BE DISCUSSED BY TECHNICAL EXPERTS FROM BOTH SIDES. WE HAVE WITH US SEVENTEEN COMPELLING CASES THAT SERVE AS EXAMPLES IN SUPPORT OF OUR ASSESSMENT. THERE ARE MANY ADDITIONAL CASES THAT COULD ALSO ILLUSTRATE THIS POINT, BUT WE HAVE SINGLED OUT THESE BECAUSE THEY ARE THE CASES DISCUSSED BY MR. SOLOMON AND MR. LE MAI. WE WOULD LIKE TO DESCRIBE THESE CASES BRIEFLY TO YOU NOW.

CASE 1934 (ANDERSON) IS AN EXAMPLE OF A CASE IN WHICH THE INFORMATION AVAILABLE TO US SUGGESTS THAT YOUR OFFICIALS HAVE ALREADY RECOVERED REMAINS. IN BOX 6 OF THE SEPTEMBER 1990 REPATRIATION, YOU REPATRIATED A SET OF REMAINS THAT WERE ASSOCIATED IN AN ACCOMPANYING SRV DOCUMENT WITH INCIDENT DATA RELATING TO CASE 1934. THE REMAINS IN QUESTION, WHICH DISPLAYED FORENSIC EVIDENCE OF STORAGE, WERE NOT THOSE OF CASE 1934, BUT RATHER THOSE OF ANOTHER AMERICAN LOST IN THE SAME PROVINCE MANY YEARS EARLIER. WITNESSES INTERVIEWED DURING JOINT INVESTIGATION OF THIS CASE IN NOVEMBER-DECEMBER 1990 SAID OFFICIALS RECOVERED THE REMAINS IN 1974-75. LOGIC THUS LEADS US TO THE CONCLUSION THAT YOUR GOVERNMENT HAS RECOVERED THE REMAINS OF LIEUTENANT COLONEL ANDERSON.

CASE 0680 (JEFFERSON). DURING ROUND 2 OF OUR JOINT INVESTIGATIONS, VIETNAMESE WITNESSES DESCRIBED 1ST LT JEFFERSON'S DEATH AND HIS BURIAL ON A MILITARY STATE FARM. EXTENSIVE EXCAVATION AT THIS LOCATION DURING ROUND 4, HOWEVER, FAILED TO TURN UP ANY EVIDENCE OF A GRAVE. YOUR MILITARY FORCES AT THE TIME CAREFULLY DOCUMENTED THE CIRCUMSTANCES OF THE INCIDENT, THE DEATH AND SUBSEQUENT BURIAL OF 1ST LT JEFFERSON, AND THE CAPTURE OF HIS FELLOW CREWMEMBER, COLONEL NORMAN C. GADDIS. IN FACT, COL GADDIS' CAPTURE RECEIVED WIDE COVERAGE IN THE VIETNAMESE PRESS. DUE TO THE NOTORIETY SURROUNDING THIS CASE, THE ACCESSIBILITY OF 1ST LT JEFFERSON'S BURIAL SITE, ITS RELATIVE PROXIMITY TO HANOI, AND ITS LOCATION ON MILITARY PROPERTY, 1ST LT JEFFERSON'S REMAINS WERE AN OBVIOUS CANDIDATE FOR EARLY RECOVERY.

CASE 0761 (DOVE AND SQUIRE). DURING ROUND 7 OF THE JOINT INVESTIGATIONS, JOINT TEAMS LOCATED WRECKAGE ASSOCIATED WITH THIS INCIDENT. BASED ON THE TYPE OF AIRCRAFT AND THE CONDITION OF THE WRECKAGE, IT WAS CONCLUDED THAT CAPTAIN DOVE AND MAJOR SQUIRE WERE IN THE AIRCRAFT WHEN IT CRASHED. THIS LOSS OCCURRED VERY NEAR THE HEADQUARTERS OF BINH TRAM 14, WHICH WOULD HAVE PREPARED AND

FORWARDED REPORTS TO MILITARY REGION AUTHORITIES ON THIS INCIDENT. THESE REPORTS WOULD HAVE PROVIDED THE BASIS FOR THE ENTRY ON THIS CASE THAT APPEARS IN THE MILITARY REGION 4 RECORD OF U.S. AIRCRAFT DOWNINGS. THESE REPORTS WOULD HAVE DOCUMENTED THE DISPOSITION OF THE REMAINS OF THE TWO U.S. AVIATORS AND RECORDED THEIR BURIAL SITES. WITNESSES IN VIETNAM HAVE INFORMED US THAT GOVERNMENT OFFICIALS HAVE ALREADY RECOVERED SEVERAL SETS OF U.S. REMAINS FROM THIS AREA OF ROUTE 20. REPORTS ON THOSE RECOVERIES, AS WELL AS RECORDS OF THE ORIGINAL 0761 INCIDENT, SHOULD HELP CLARIFY THE CURRENT LOCATION OF THESE TWO MEN'S REMAINS.

CASE 0859 (HARDY). THIS INCIDENT INVOLVED TWO MEN, CAPTAIN DERRICKSON AND FIRST LIEUTENANT HARDY, BOTH OF WHOM DIED IN THE INCIDENT. ALTHOUGH THE DISPOSITION OF CAPTAIN DERRICKSON'S REMAINS ARE NOT YET CLEAR, IT APPEARS THAT 1ST LT HARDY'S REMAINS WERE RECOVERED BY VIETNAMESE OFFICIALS. WITNESSES INTERVIEWED DURING ROUND 13 DESCRIBED THE RECOVERY AND BURIAL OF PARTIAL REMAINS AT THAT TIME. DURING ROUND 14, YOUR GOVERNMENT PROVIDED US WITH A LIST OF BURIAL SITES OF 25 U.S. PERSONNEL WHO WERE KILLED IN MILITARY REGION 4. 1ST LT HARDY'S NAME, ALONG WITH DETAILED PERSONAL DATA, APPEARS ON THAT LIST. ALTHOUGH THE TITLE OF THE LIST DESCRIBES THE AMERICANS AS "KILLED AND TORN APART", THE SRV HAS REPATRIATED THE IDENTIFIABLE REMAINS OF FIVE INDIVIDUALS NAMED ON THIS LIST.

CASE 0641 (O'GRADY). MAJOR O'GRADY WAS CAPTURED BY PAVN FORCES, BUT HE DIED WITHIN A FEW HOURS. RECORDS ON THIS INCIDENT AND ON MAJOR O'GRADY'S DEATH WERE FORWARDED TO REGION AND TO HQ 280TH AIR DEFENSE REGIMENT. THESE RECORDS INCLUDED A RECORD OF MAJOR O'GRADY'S ORIGINAL GRAVE SITE, WHICH WAS NEAR KILOMETER 21, ROUTE 12. OUR JOINT INVESTIGATION TEAM ATTEMPTED TO LOCATE THAT GRAVE SITE DURING ROUND 13 BUT WAS NOT SUCCESSFUL. SEVERAL WITNESSES IN QUANG BINH PROVINCE HAVE TOLD US OF OFFICIAL REMAINS RECOVERY ATTEMPTS THAT BEGAN IN THIS AREA IN LATE 1972. DUE TO THE ACCESSIBILITY OF MAJOR O'GRADY'S BURIAL SITE AND THE FACT THAT RECORDS DOCUMENTING THE LOCATION OF HIS GRAVE WERE AVAILABLE TO SRV OFFICIALS, WE BELIEVE THAT RECORDS OF THE EFFORT TO RECOVER U.S. REMAINS FROM QUANG BINH PROVINCE WILL CONTAIN INFORMATION ON THE RECOVERY OF COL O'GRADY'S REMAINS.

CASE 0826 (MOORE). PAVN UNITS RESPONSIBLE FOR DOWNING CAPTAIN MOORE'S AIRCRAFT PREPARED REPORTS ON HIS INCIDENT AND ON HIS DEATH AND BURIAL. THESE RECORDS, WHICH WOULD HAVE DOCUMENTED THE LOCATION OF HIS GRAVE, WERE SENT TO MILITARY REGION 4 AND WOULD HAVE BEEN AVAILABLE TO SRV OFFICIALS WHO, BEGINNING IN LATE 1972, VISITED QUANG BINH PROVINCE TO REPORT ON THE FATE OF U.S. PILOTS AND TO RECOVER THEIR REMAINS. WE BELIEVE THAT CAPT MOORE'S REMAINS WOULD HAVE BEEN A NATURAL FOCUS OF THESE EFFORTS, AND THAT RECORDS OF REMAINS RECOVERY ATTEMPTS IN QUANG BINH PROVINCE WILL CONTAIN INFORMATION RELEVANT TO THIS CASE.

CASE 1843 (WILES). LIEUTENANT WILES WAS BURIED IN A WELL DOCUMENTED AND EASILY LOCATABLE GRAVE SITE IN VAN TRACH VILLAGE, BO TRACH DISTRICT. DURING ROUND 10 OF OUR JOINT INVESTIGATIONS,

WITNESSES DESCRIBED THE BURIAL AND LOCATED THE ORIGINAL GRAVE SITE. THEY ALSO TOLD US THAT OFFICIALS RETURNED TO THE GRAVE SITE THREE DAYS AFTER BURIAL AND EXHUMED THE BODY IN ORDER TO TAKE PHOTOS OF THE CORPSE, PRESUMABLY TO FULFILL STANDARD REQUIREMENTS FOR REPORTING ON THE DEATH OF U.S. PERSONNEL. WHEN OUR EXPERTS EXCAVATED THIS GRAVE SITE, THEY REPORTED THAT THE GRAVE APPEARED TO HAVE BEEN PREVIOUSLY EXCAVATED WITH A THOROUGHNESS THAT SUGGESTED A PROFESSIONAL RECOVERY. INFORMATION FROM WITNESSES AT THE SCENE STRONGLY SUGGESTS RECOVERY WAS BY SRV OFFICIALS.

CASE 1747 (PEARCE). BASED ON INFORMATION IN U.S. FILES, WARRANT OFFICER PEARCE IS KNOWN TO HAVE DIED IN HIS INCIDENT. FACTS REGARDING THE LOCATION AND CONDITION OF HIS REMAINS, EVIDENCE THAT PAVN TROOPS WERE QUICKLY ON THE SCENE, AND OTHER REPORTING RELATING TO WO PEARCE STRONGLY SUGGEST THAT REPORTS ON THIS INCIDENT WERE SUBMITTED TO HIGHER HEADQUARTERS AND REACHED HANOI. THOSE RECORDS SHOULD PROVIDE VERY USEFUL DATA THAT WOULD FACILITATE SRV RECOVERY OF WO PEARCE'S REMAINS.

CASE 1639 (PEDERSON). DURING ROUND 6, VIETNAMESE WITNESSES CONFIRMED WARTIME EVIDENCE THAT SERGEANT FIRST CLASS JOE P. PEDERSON DIED IN VIETNAMESE CAPTIVITY WHILE BEING EVACUATED TO A PW CAMP. TWO INDIVIDUALS WHO WERE ALSO CAPTURED WITH HIM, PRIVATE ROBERT T. PHILLIPS AND SPECIALIST FOUR JAMES M. ROZO, SURVIVED AND REACHED THE CAMP. WE BELIEVE THAT RECORDS RELATING TO THE CAPTURE OF ALL THREE MEN--AS WELL AS RECORDS PREPARED BY THE WARTIME CAMP COMMANDER RELATIVE TO THE CAPTIVITY, ATTEMPTED INDOCTRINATION, AND FATE OF PFC PHILLIPS AND SP4 ROZO---SHOULD ALSO CONTAIN INFORMATION IDENTIFYING THE LOCATION OF SFC PEDERSON'S BURIAL SITE. THIS INFORMATION SHOULD HAVE BEEN AVAILABLE TO PAVN FORCES WHO WERE CHARGED WITH RECOVERING THE REMAINS OF U.S. WAR DEAD. THOUGH THE EXAMPLES CITED HERE PERTAIN TO REMAINS AVAILABILITY, I.E. PEDERSON, WE ARE MOST ANXIOUS TO OBTAIN INFORMATION ON PFC PHILLIPS AND SP4 ROZO, BOTH LAST KNOWN ALIVE DISCREPANCY CASES.

CASE 0976 (SYKES AND REHE). PRIVATE FIRST CLASS SYKES AND PRIVATE FIRST CLASS REHE WERE CAPTURED ALONG WITH SIX OTHER U.S. PERSONNEL. U.S. RETURNEES LATER REPORTED THAT WHILE THEY WERE BEING EVACUATED TOWARD A PW CAMP, PFC SYKES AND PFC REHE WERE LEFT BEHIND AT DIFFERENT LOCATIONS ALONG THE EVACUATION ROUTE BECAUSE THEY WERE INJURED AND SLOWED THE PACE OF THE REST OF THE PARTY. EACH WAS LEFT ALIVE, SEVERELY WOUNDED, IN IDENTIFIABLE POSITIONS OCCUPIED BY YOUR FORCES. PAVN GUARDS LATER INFORMED THE U.S. POWS THAT PFC REHE AND PFC SYKES HAD DIED FROM THEIR WOUNDS. DURING INVESTIGATION IN ROUND 5, LOCAL OFFICIALS INDICATED THE BODY OF A BLACK SOLDIER, APPARENTLY PFC SYKES, HAD BEEN PREVIOUSLY RECOVERED BY THE PUBLIC SECURITY SERVICE. LOCAL OFFICIALS ALSO INDICATED THAT PAVN FORCES HAD RECOVERED ANOTHER SET OF REMAINS, PRESUMABLY THOSE OF PFC REHE, FROM THE CEMETERY OF A PAVN FIELD HOSPITAL.

CASE 0168 (MAYER). WITNESSES INTERVIEWED DURING ROUNDS 1 AND 2 SAID THAT LIEUTENANT MAYER'S REMAINS WERE TAKEN TO A HOSPITAL WHERE THEY WERE AUTOPSIED AND PHOTOGRAPHED. THE REMAINS WERE BURIED IN A CASKET IN LANG SON TOWN CEMETERY. THE PHOTOGRAPHER

SAID THAT PHOTOS AND RECORDS OF THE INCIDENT WERE FILED AT THE PROVINCIAL PUBLIC SECURITY OFFICE, BUT THESE WERE DESTROYED DURING THE CHINESE INVASION, AND THE GRAVE CAN NO LONGER BE LOCATED. DURING ROUND 15, THE TEAM INTERVIEWED THE PUBLIC SECURITY SERVICE OFFICER WHO OBSERVED THE AUTOPSY, FINGERPRINTED THE BODY, AND PREPARED A REPORT THAT WAS FILED AT PROVINCE AND WAS FORWARDED TO THE CRIMINAL LAW DEPARTMENT OF THE MINISTRY OF INTERIOR. THIS WITNESS AND ONE OTHER SAID THE REMAINS WERE BURIED IN A CEMETERY NEAR NATIONAL HIGHWAY 1A SOUTH OF LANG SON TOWN. ALTHOUGH WITNESSES IN LANG SON OBSERVED THAT THE CEMETERY WHERE LT MAYER WAS BURIED HAD BEEN DESTROYED IN 1987 BY ROAD CONSTRUCTION, INFORMATION IN U.S. RECORDS INDICATES THAT GOVERNMENT OFFICIALS HAD ALREADY RECOVERED SEVERAL SETS OF REMAINS FROM LANG SON PROVINCE WELL BEFORE THE CHINESE INVASION. LT MAYER'S REMAINS, BURIED IN AN ESTABLISHED CEMETERY NEAR THE PROVINCE CAPITAL, WOULD HAVE BEEN AMONG THE EASIEST AND THE MOST OBVIOUS TO HAVE BEEN COLLECTED AT THAT TIME. MOREOVER, OTHER INFORMATION SUGGESTS THAT ALL OF THE REMAINS PREVIOUSLY COLLECTED FROM LANG SON PROVINCE HAVE NOT YET BEEN RETURNED TO THE U.S.

CASE 0124 (MELLOR). ACCORDING TO INFORMATION ACQUIRED DURING ROUND 9 OF THE JOINT INVESTIGATIONS, THE DISTRICT MILITARY COMMANDER TOOK CHARGE OF CAPTAIN MELLOR'S PERSONAL EFFECTS AND EQUIPMENT. HE ALSO ORDERED THAT THE BODY BE BURIED, BUT NO ONE IN THE VILLAGE WOULD BURY IT. A DISTRICT MILITARY CADRE, HOWEVER, TOOK PHOTOS SOME DAYS LATER. WITNESSES ALSO CONFIRMED THAT CENTRAL MILITARY AUTHORITIES TRIED TO RECOVER CAPTAIN MELLOR'S REMAINS IN 1973-74, ALLEGEDLY WITHOUT SUCCESS. REINVESTIGATION OF THIS CASE IN ROUND 15 CONFIRMED MUCH OF THIS INFORMATION. ADDITIONALLY, AT THAT TIME TWO WITNESSES STATED THAT VERY SMALL PORTIONS OF REMAINS HAD BEEN LOCATED IN THE AREA SOMETIME IN THE PAST. THESE VERY FRAGMENTED REMAINS WERE REPATRIATED IN MARCH 1992. HOWEVER, WE ALSO HAVE INFORMATION INDICATING THAT PAVN SUCCESSFULLY RECOVERED SEVERAL SETS OF U.S. REMAINS FROM LANG SON PROVINCE AND STILL HAS DOCUMENTS RELATED TO THIS CASE IN ITS POSSESSION IN HANOI. RECORDS DOCUMENTING THE 1973-74 ATTEMPT TO RECOVER THESE REMAINS IN LANG SON PROVINCE WOULD HELP CLARIFY LINGERING UNCERTAINTY AS TO THE CURRENT DISPOSITION OF CAPT MELLOR'S REMAINS.

CASE 0105 (LINDSEY). INFORMATION ACQUIRED TO DATE CONFIRMS THAT MAJOR LINDSEY DIED IN HIS INCIDENT AND THAT HIS REMAINS WERE TAKEN FROM THE SITE AND BURIED AT A NEARBY MILITARY CAMP. WITNESSES HAVE SUPPLIED CONFLICTING INFORMATION ON THIS CASE, BUT THE REGIONAL MILITARY COMMAND TOOK PHOTOS OF THE BODY AND TOOK CHARGE OF MAJ LINDSEY'S PERSONAL EFFECTS AND EQUIPMENT IN KEEPING WITH STANDARD REPORTING REQUIREMENTS RELATED TO U.S. CASUALTIES. YOUR GOVERNMENT HAS RELEASED DOCUMENTS THAT CONFIRM THAT VIETNAMESE OFFICIALS CONDUCTED UNILATERAL RECOVERIES IN THIS AREA IN THE EARLY 1970S. DUE TO THE LOCATION OF MAJ LINDSEY'S GRAVE SITE IN AN ESTABLISHED MILITARY CAMP AND THE DOCUMENTATION PREPARED ON THIS DEATH AND BURIAL, MAJ LINDSEY'S REMAINS SHOULD HAVE BEEN AMONG THE EASIEST AND MOST OBVIOUS REMAINS TO COLLECT. RECORDS OF THE EFFORTS, WHETHER SUCCESSFUL OR NOT, TO COLLECT U.S. REMAINS IN LANG SON PROVINCE WILL CONTAIN INFORMATION THAT WOULD CLARIFY THE CURRENT

LOCATION OF MAJ LINDSEY'S REMAINS.

CASE 1901 (BROWN). IN JULY 1972, CAPT BROWN SUCCESSFULLY PARACHUTED FROM HIS AIRCRAFT AND WAS IN RADIO CONTACT WITH U.S. FORCES ON THE GROUND IN THUA THIEN PROVINCE. THE OTHER CREW MEMBER WAS SUCCESSFULLY RESCUED. CAPT BROWN'S DEATH WAS CONFIRMED DURING JOINT INVESTIGATION. CAPT BROWN WAS LOST IN AN AREA OCCUPIED BY PAVN FORCES, WHO INVESTIGATED HIS LOSS INCIDENT. JOINT INVESTIGATION REVEALED THERE WERE NO CIVILIAN WITNESSES ON THE SCENE. MILITARY RECORDS CONCERNING CAPT BROWN'S SHOOTDOWN AND DEATH WILL LIKELY CONTAIN INFORMATION ON THE ORIGINAL DISPOSITION OF HIS REMAINS.

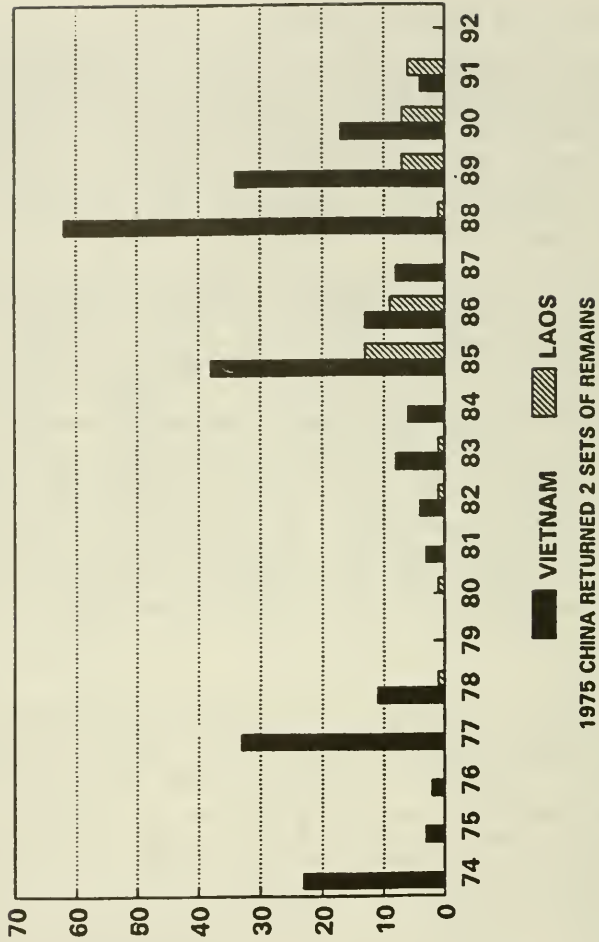
CASE 1882 (MCCARTY). IN SEPTEMBER 1990, VIETNAM REPATRIATED A SET OF REMAINS THAT YOUR GOVERNMENT ASSERTS ARE ASSOCIATED WITH 1ST LT MCCARTY. SCIENTIFIC ANALYSIS INDICATES, HOWEVER, THAT THE REPATRIATED REMAINS ARE INSUFFICIENT TO PERMIT FORENSIC IDENTIFICATION. THIS CASE WAS INVESTIGATED DURING ROUNDS 12 AND 15. DURING BOTH INVESTIGATIONS WITNESSES DESCRIBED 1ST LT MCCARTY'S DEATH AND THE BURIAL OF HIS NEARLY COMPLETE REMAINS. WITNESSES ALSO INDICATED THAT LT MCCARTY'S REMAINS WERE LATER EXHUMED BY DISTRICT MILITARY OFFICIALS PROBABLY IN THE MID-1970S. DURING ROUND 12, THE JOINT TEAM WAS PROVIDED THREE CONTEMPORARY REPORTS DETAILING THE INCIDENT AND THE EXHUMATION OF THE 1ST LT MCCARTY'S REMAINS. HOWEVER, DURING ROUND 15, WITNESSES PROVIDED CONTRADICTORY INFORMATION AS TO THE CIRCUMSTANCES OF THE EXHUMATION AND A POSSIBLE SECONDARY BURIAL SITE. A SEARCH OF VIETNAMESE FILES FOR ADDITIONAL INFORMATION RELATING TO THE ORIGINAL GRAVESITE, THE LATER EXHUMATION, AND THE CHAIN OF CUSTODY OF THE EXHUMED REMAINS MAY REVEAL INFORMATION THAT WILL HELP RESOLVE THIS CASE.

CONCLUSION:

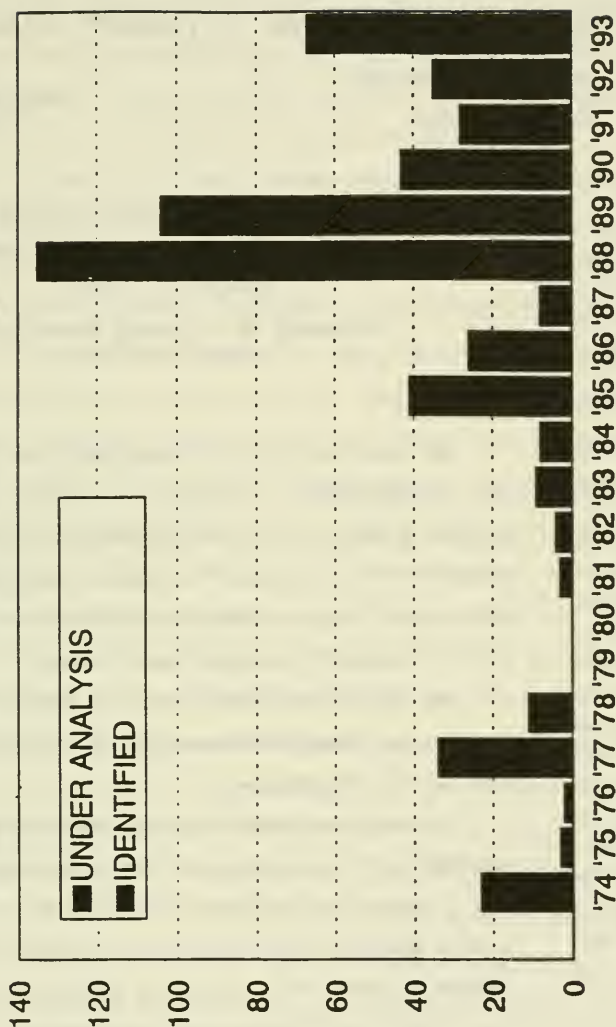
IN CLOSING, I WOULD LIKE TO SAY THAT TODAY WE HAVE SHARED WITH YOU OUR UNDERSTANDING OF VIETNAM'S WARTIME RECORD-KEEPING SYSTEM AND OF YOUR WARTIME AND POSTWAR PROGRAM TO COLLECT AND PRESERVE U.S. REMAINS. WITH SERIOUS COOPERATION FROM YOUR GOVERNMENT IN THE UNILATERAL RETURN OF U.S. REMAINS AND THE SHARING OF ARCHIVAL RECORDS ON U.S. CASUALTIES AND POWS, RAPID RESULTS COULD BE ACHIEVED. PROGRESS ON SUCH A SCALE WOULD HAVE A PROFOUND AND FAVORABLE IMPACT ON THE FAMILIES, THE AMERICAN PEOPLE, AND THE U.S. CONGRESS, FIRST BECAUSE IT WOULD GO FAR IN ADDRESSING SOME OF THE MOST URGENT AND COMPELLING QUESTIONS RELATING TO THIS ISSUE, AND SECOND, BECAUSE IT WOULD ENABLE US TO ACCOUNT FOR A LARGE NUMBER OF OUR MISSING. AS YOU KNOW, SUCH RESULTS WOULD ALSO FAVORABLY AND DIRECTLY AFFECT THE PACE AND SCOPE OF THE ADMINISTRATION'S ABILITY TO MOVE FORWARD IN THE CONTEXT OF U.S. POLICY ON NORMALIZING RELATIONS.

WE HOPE YOU RECOGNIZE THAT OUR INTENTION IS NOT TO RECRIMINATE OR PLACE BLAME, BUT TO WORK SENSITIVELY WITH YOUR GOVERNMENT TO RESOLVE THIS ISSUE IN THE INTEREST OF MEETING THE CONCERNS OF THE FAMILIES OF THE MISSING AND ADVANCING THE NORMALIZATION OF OUR RELATIONS.

318 U.S. REMAINS RETURNED AFTER 1973



VIETNAM: U.S. REMAINS RETURNED AFTER '73



DEFENSE PRISONER OF WAR/MISSING IN ACTION OFFICE - January 27, 1994

NATIONAL VIETNAM VETERANS COALITION

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BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

February 10, 1994

Statement by J. Thomas Burch, Jr.,
National Chairman

J. Thomas Burch, Jr.
Chairman

John J. Mallon, Jr.

Loren A. Rios

J. Edwin Yarns
Vice Chairman

William Bennett
General Secretary

David Kaufman
Chief of Staff

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Board of Directors

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Chas. Harvey

Joseph D. Franks

Lawrence C. Gustin

Loren A. Rios

Cap. Eugene McDermott

Marvin J. Morgan

John J. Mallon, Jr.

We thank you for this opportunity to appear before this subcommittee to express our views on President Clinton's decision to lift the embargo. We thank you for permitting those veterans' organizations which have waged the longest fight on the POW-MIA issue to finally come before Congress to express their views.

We would prefer not to be here, because we wish this hearing had never been necessary. We view the President's decision as disastrous.

As many have stated already, the continuation of the embargo is the only effective leverage we have to resolve the prisoner of war issue. Even the minor steps taken toward opening up the records in Vietnam in the last six months - steps that could have easily been taken years ago - have been taken under the pressure of our failure to lift the embargo. The embargo had a symbolism far in excess of its pure economic impact. Regardless of the availability of goods and services from foreign

competitors, it is clear that the Hanoi regime has placed an enormous significance, for its own political purposes, on seeing the embargo removed. We have just handed that regime a major victory, for little in return.

Our Coalition has strong ties to Indochinese resistance movements, which, in turn, have excellent sources of intelligence inside Vietnam. One surprising thing we have learned is that the President's decision last September to permit U.S. companies to bid on IMF projects was a severe blow to the prestige of the incumbent office holders in Hanoi: they had promised their constituency a total lifting of the embargo.

This broken promise was accelerating the progress of a reform movement inside of Vietnam. We have learned there have been arrests of corrupt officials and replacements of others who were obstructing progress towards good relations with the United States.

That, this decision could not have come at a worse time. Even a decision to partially lift the embargo would have been the last nail in the coffin of the credibility of the incumbent dictatorship. Now the prospects for true resolution of the POW-MIA issue, for true political and economic reform and for true friendship between the United States and Vietnam have been placed in serious jeopardy.

This decision is alarming for still another reason. When placed in context with the management (or lack of management) of POW-MIA accountability during the past thirteen months, one senses that the true motives are to benefit big business campaign contributors, to vindicate the views of the anti-war movement and to deep-six the POW-MIA altogether.

Presidential candidate Clinton pledged that he would make resolution of POW-MIA a "real priority." Presumably, that meant he felt the Bush Administration had not done so. Certainly if his statement was true, there should have been a housecleaning in the upper reaches of the POW-MIA bureaucracy. Yet, no effort was made to appoint a new deputy assistant secretary for POW-MIA in DOD or to insert a new team. Instead, precisely those military and career personnel most responsible for the perpetuation of the well-documented and historic "mindset to debunk" were promoted into positions of greater responsibility. A reorganization was announced, part of the effect of which has been to gut the autonomy and energy of Task Force Russia, the one agency which we felt was trying to do a conscientious job;¹ reassignments, protest resignations

¹ We wish to make clear that there are many hard-working, honorable people within the POW-MIA bureaucracy. Unfortunately, due to the structuring of the work and the prevalence of the "mindset to debunk," their best efforts often go for naught. Further, as addressed in this statement, many of the most dedicated workers are the ones being purged.

and firings have ensued. In Southeast Asia, the most experienced and knowledgeable field workers in JTF have been replaced; the sacking of Bill Bell is a scandal that has never been adequately investigated. JTF field workers' notes have been systematically destroyed.

As before, progress is measured by the number of crash sites excavated and remains returned, with one new twist: We are told that we have now received, since January 20, 1993, the remains of 67 servicemen. However, this statistic was arrived at by counting all remains as returned Americans in advance of any determination that they are, in fact, American servicemen. Now that access in Vietnam is supposedly readily available, the priority has not been changed to re-analyze previously debunked live sighting reports and to check out their location.

Many prison sites have never been investigated. And one exception proves the rule: in response to a live sighting report at Thach Ba Lake, three on-site investigations were performed in 1992-93; it was thereupon concluded that the sighting was a fabrication, because the buildings described by the eyewitness did not exist. A few months later, a United States senator went to the location, and he found the buildings, exactly as described in the original report. He also went to two other locations, where the government had declined to go after discrediting two other eyewitnesses for inaccurate

site descriptions. Again, the descriptions turned out to be accurate.

The same debunking process is responsible for reducing the number of outstanding "discrepancy" cases. One example will suffice. In the early 1990s, evidence surfaced for the first time that one MIA had been captured. The Vietnamese stated that he had died of his wounds shortly after being captured (but, of course, have not provided the remains). The man's daughter then travelled to Indochina and met her father's actual captors. They stated that his wounds were too slight as to have resulted in his near-term death. But his case is now off the discrepancy list.

In summary, we have been betrayed by our Government. We were promised a full accounting but corporate profits took precedent over our country's honor bound commitment to its servicemen and families not to abandon them. A movement towards democracy has suffered from our Government's support of the Communist regime and we have lost our best leverage to make the Vietnamese account for live American servicemen being detained against their will. And it appears there is little intention to work towards a full accounting.



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STATEMENT OF
JOHN F. TERZANO
PRESIDENT
VIETNAM VETERANS OF AMERICA FOUNDATION
BEFORE THE
SUBCOMMITTEE ON
ASIA AND THE PACIFIC
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
FEBRUARY 10, 1994

Mr. Chairman and Members of the Subcommittee, I would like to thank you for the opportunity to testify before you today.

I appear before you as a veteran of the Vietnam War, as well as the president of an organization that, for more than a decade, has been working toward finally putting that terrible conflict to rest, and bringing about reconciliation between the United States and the countries of Indochina. Over the past 14 years, my organization and I have presented testimony on this issue on several occasions, before this committee and others in both houses of the Congress. However, this is the first time I am testifying with optimism that the United States is finally on the road toward healing the wounds of that war, and is now on a course that can positively affect relations between the peoples of the United States and of Vietnam. An entire generation of American and Vietnamese children have grown up with little more than negative stereotypes of each other. We can now begin to change those perceptions.

Mr. Chairman, exactly one week ago today, President Bill Clinton made the courageous and heroic decision to lift the U.S. trade embargo on Vietnam. It was an historic decision, one which will have far-reaching consequences. In announcing this significant change in U.S. policy toward Vietnam, the President defined his reasons for lifting the embargo within the confines of the MIA issue. We all recognize the importance of the issue of our missing servicemen, and the priority this nation must place on bringing about the fullest possible accounting of the missing. President Clinton stated he was absolutely convinced that lifting the trade embargo offers the best way to achieve the fullest possible accounting. I totally agree with the President and have been advocating this position for more than a decade.

No competent discussion of U.S.-Vietnam relations can overlook the MIA issue. However, the President's momentous decision of last week will have numerous additional positive effects on U.S.-Vietnam relations. This move clears the way for potential progress on a wide range of issues including, human rights, regional security, trade, U.S. claims against Vietnam, and refugees. Furthermore, opening of consular offices and normalizing diplomatic relations would further enhance the resolution of all these issues. There is also the underlying understanding and friendship that will inevitably result between the peoples of the United States and Vietnam.

Thus, while the President framed his decision within the confines of the MIA issue, his decision will have significant and far-reaching consequences.

The MIA issue

There is no doubt that Vietnam has been extremely cooperative in recent years in assisting the United States in our goal to achieve the fullest possible accounting of our MIAs. Admiral Charles Larson, commander-in-chief of U.S. forces in the Pacific recently traveled to Vietnam and declared that Vietnam's cooperation, "across all fronts has been excellent...the fact that I'm here shows that there's been a level of cooperation that has been very good. Certainly if the level was not good, I would not be here. I feel a heavy responsibility coming as the first senior American officer."

There are those who say that the only reason the Vietnamese have cooperated was due to the trade embargo, that this was the only leverage we had over Vietnam to induce their cooperation. Nothing could be further from the truth. The fact is over the past several years it has been the U.S. and not Vietnam which has been adversely affected by the embargo. Indeed, Vietnam's level of cooperation is directly the result of the U.S. finally realizing that in order to resolve this issue it must be a "two way street."

Several years ago, before the Senate Select Committee on POW/MIA Affairs was formed, there was no permanent office in Vietnam: there was no interviewing military commanders or generals: there was no ability to go to military bases or prisons, let alone do it unannounced; there was no access to the archives: and the list goes on. Now, the U.S. can do all that and more. Why, because of people like General Vessey, the Senate Select Committee and others in both the Bush and Clinton Administrations who fully understood that only by showing mutual respect and regard for mutual interests would the two countries able to put together the cooperative effort necessary to bring about the tremendous results of the past two years.

Lifting the embargo is not taking away leverage--it is about further opening the doors which have been closed for too long.

Human rights

I was pleased to hear President Clinton announce last Thursday that he has decided to open a liaison office in Vietnam with one of its explicit purposes being pursuing a human rights dialogue with the Vietnamese government. In fact, just prior to last weeks lifting of the embargo the U.S. and Vietnam signed an agreement to begin a discussion on human rights issues. Also, ten Senators led by Senator Bob Kerrey (D-NE) wrote the President to press. "...for human rights improvements as [the U.S.] proceeds toward open trade and political normalization with the Socialist Republic of Vietnam...In seeking human rights improvements globally, the United States cannot exempt Vietnam from scrutiny and criticism for not meeting internationally recognized human rights norms."

While Vietnam has moved to liberalize its economy, the government has sought to retain a strict monopoly on political power and expression. The State Department's 1993 report on human rights stated that Vietnam continues, "to limit severely freedom of speech, press, assembly and association." The lifting of the embargo and the establishment of liaison offices will now enable the U.S. to engage, on a daily basis if necessary, this issue.

However, I would like to note that I believe economic decentralization, over time, begets political decentralization. Independent decision making, the basis of success for economic reform, cannot be sustained indefinitely without corresponding reforms in the political sphere. Economic development, together with the effects of outside political and economic relations, cannot be artificially isolated from society as a whole. The accoutrements of development, which come in the form of advanced communication and transportation, combine with the spread of

ideas across borders and tend to undermine the ability of governments to function monopolistically.

Unfortunately, this process is usually slow, and at times, painful. Many countries throughout Asia—including some of our closest allies—are only beginning to move toward true democratization. They often continue to operate as one-party states and many of America's fundamental freedoms are lacking. But by constructively engaging these countries change has occurred. The same will be true of Vietnam.

Regional security and stability

Southeast Asia is as peaceful and stable as at any time in recent memory. The successful elections in Cambodia and the subsequent formation of a new government has removed one of the greatest points of friction in the region, at long last bringing some measure of peace to that benighted country.

Underneath this surface calm, however, there remain some flash points of instability. Conflicting claims over the potentially oil-rich Spratly Islands continue to create tension; increasing military build-up by China and other nations adds uncertainty; and Asian neighbors watch warily as Japan plays a more assertive role in regional issues.

There are many in the Congress and the Administration who recognize the importance of Asian stability and the need for the U.S. involvement to promote security. Indeed, Assistant Secretary Winston Lord has testified that, "The post-Cold War period invites dialogue to prevent arms races, the forging of competing alignments, and efforts by one power or group of powers to dominate this strategic region. Our voice will be crucial." Last week, Senator John McCain (R-AZ) stated, "It is not in our security interests to have China achieve economic and military dominance in the region...[Vietnam is] seeking to live within the margins of balanced relations with the superpowers while simultaneously pursuing close and compatible relations with ASEAN nations. We should do whatever is necessary to encourage them on this sensible course."

It is, Mr. Chairman, in the interest of the U.S. to promote and foster a secure and stable southeast Asia. And positive U.S.-Vietnam relations are crucial to ensuring stability.

Trade

During the President's remarks last Thursday, in response to a question regarding the effect lifting the embargo would have on U.S. trade, the President responded, "I wanted to make sure that the trade questions did not enter into this decision. So, we never—I never had a briefing on it and we never had a discussion about it. I thought it was important that that not be a part of this discussion."

Regardless of the President's disavowal of the trade considerations behind his decision, the positive effects are undeniable. Billions of dollars in trade and investment opportunities have already been ceded to our closest allies and fiercest economic competitors. Indeed, just last month Vietnam awarded a multi-million dollar contract to Airbus Industries of France for planes. A U.S. corporation will never get that contract back. Recently, a Boeing representative stated that Boeing could sell "\$3 to \$5 billion" worth of aircraft and equipment to Vietnam, which translates into tens of thousands of jobs here in the U.S.

But America's economic losses in Vietnam are more than the sum of the individual contracts forfeited. After decades of war, isolation and mismanagement, Vietnam has had to essentially start from scratch economically. Whole industries are being built from the ground up, and American companies can now partake in this crucial initial stage of development.

U.S. Claims against Vietnam

In April, 1975, American citizens and companies fled the former South Vietnam in the face of advancing Communist forces, leaving behind their personal possessions and their businesses. The U.S. Foreign Claims Settlement Commission has completed its examination of these U.S. nationals' claims against Vietnam and has made its determination on the number and amount of these claims. It is very important toward the development of relations between the United States and Vietnam that this issue be resolved.

In addition there is also the issue of the U.S. government's claims against Vietnam, and Vietnam's frozen assets in the United States. While the amount of Vietnam's frozen assets could be used to cover the claims of the U.S. nationals, it is not enough to satisfy both government and private claims. The two countries are scheduled to hold discussions on these issues next week in Hanoi.

It is imperative that the claims of the U.S. nationals be given priority over government claims. The U.S. government must assure that its citizens are compensated for property which has been unjustly expropriated. It should be noted that this issue must be resolved, as a matter of law, before a normalized economic relationships between the two countries can be realized.

The Bush Administration recognized the importance of this issue, and discussion of the claims issue was included in "Phase I" of its "road map" for normalizing relations between the U.S. and Vietnam. The U.S. and Vietnam held their first meeting to discuss claims in New York in November 1991, following the signing of the Paris Peace Accords on Cambodia. It is our understanding that the administration used this meeting to press the issue of the U.S. government's claims, while relegating the issue of private claims to a back-burner. Congress should urge the administration to keep the U.S. nationals claims at the forefront of all future discussions on this issue.

Diplomatic Relations/Consular Affairs

Last week, President Clinton made the welcome gesture of announcing the exchange of liaison offices between the U.S. and Vietnam. There are many benefits to be accrued from increased and consistent relations.

Americans have been travelling regularly to Vietnam for years. I myself made my first trip back to Vietnam in 1981, and have returned several times since. In December, 1991, President Bush lifted the restrictions on travel service providers for Vietnam. In December, 1992, President Bush eased the embargo further to allow U.S. companies to open representative offices in Vietnam. Now that the trade embargo has been lifted, even more Americans will be travelling to Vietnam. Americans need and deserve the same consular protection in Vietnam as we are accorded all over the world.

The ability to issue visas, the right to visit imprisoned nationals, the ability to care for the needs of the country's nationals living abroad, all these benefits will result from exchanging consular relations between the U.S. and Vietnam.

Vietnam has, for all intents and purposes, joined the international community. Over 120 countries have normal diplomatic relations with Vietnam. The United States is one of the few countries which does not. The fact is, having normal diplomatic relations with Vietnam will do more to protect and promote America's interests in Vietnam and the region, giving the U.S. increased leverage.

Refugees

The tragedy of the "boat people" fleeing Vietnam persisted for more than a decade. However, since the inception of the Comprehensive Plan of Action (CPA) in 1989, under the auspices of the United Nations High Commissioner for Refugees (UNHCR), the flow of "boat people" has slowed to a trickle, and over 50,000 have voluntarily been repatriated to Vietnam. However, the CPA is drawing to a close. There are still over 70,000 Vietnamese languishing in the first asylum camps of Hong Kong, Indonesia, Thailand, Malaysia and the Philippines. A majority of these "boat people" have been classified as "economic migrants" (as opposed to true refugees fleeing political persecution), and will not be resettled by third countries. Both Hong Kong and Indonesia have indicated that they expect to return all the Vietnamese from their camps before the end of 1994.

President Clinton's momentous decision of last week will make the decision to return more tolerable. A Hong Kong refugee official said lifting the embargo "will reinforce the message...for non-refugees that their future lies in Vietnam and not in a detention camp in Hong Kong." And in the words of a UNHCR official, lifting the embargo "will have a positive impact in helping people to make up their minds to go home, especially those who were sitting on the

ience."

Conclusion

Mr. Chairman, let me conclude by stating once again my firm conviction that the President's decision to lift the embargo was not only the right decision for achieving the fullest possible accounting of our MIA's, but it was also the right decision for achieving a host of other goals of the United States in our relations with Vietnam.

Many people are referring to the President's decision of last week as an "end," and in some respects it is. It is the end of thirty years of armed and economic warfare between our two nations. More importantly, however, I firmly believe that the President's decision is a "beginning." It is the beginning of a new relationship between the governments of the United States and Vietnam, and of the people of the United States and Vietnam which will help resolve our many differences and finally bring peace to both our countries.

A marine who served 'in country' tells why we must keep faith with the dead—but leave the war behind

BY WILLIAM BROYLES Jr.

WHEN PRESIDENT CLINTON LIFTED the trade embargo last week and finally ended the Vietnam War, he did it with an uncharacteristic absence of emotion, like a priest who had said a few too many funeral masses. Of course, the president knew no more about this war than he avoided than the living know of the dead. He was the least likely politician to see its benediction, but he did, and with political skill and no small measure of moral courage.

Clinton's solemn promise—and political fig leaf—was to continue pursuing "the fullest possible accounting for our prisoners of war and our missing in action." It's a soothing and wonderful thing, his brazen faith to the last man. It's the draft dodger enshrining the ethics of the combat soldier—look out for your buddy, no matter what. Clinton wants to be true to the families who will doubt his word.

War is many things, but unfortunately it's not a careful bookkeeper. It wastes lives and treasures like a spendthrift heir. War doesn't add up. The ledger doesn't balance. The Tomb of the Unknown Soldier in Washington is there for a reason: thousands of Americans dead from other wars are still missing, dead in unmarked graves, drowned, burned, vaporized, lost—unaccounted for. But Vietnam is different. We lost.

And so we see those extraordinary images of Americans digging up Vietnam looking for the remains of any comrades in arms—digging in the jungle, in the rice paddies, digging for the last signs of our lost boys, for the last shreds of our lost honor, digging even in Vietnamese cemeteries, right through the bones of the beloved departed of Vietnamese families. As we were often told during the war, the Vietnamese don't place such a high value on life as we Americans do, so that's not a problem.

Ten years after the peace treaty I returned to Vietnam to revisit the actual battlefields of the war. I went from the Chinese border in the north to the Mekong River in the south, from the DMZ to Laos, the only American in the whole place. I had set my heart on going back to Hill 10, a nondescript battalion base west of Da Nang, the center of my own war. The air smelled just like I remembered, thick sweet odors of sugar cane, dank muddy smells, the stink of human excrement. I saw birds. I hadn't remembered any birds. Children herded ducks and rode buffalo. Other children passed by on the way to school. I recognized nothing. My old base, frozen in my memory as it had been during the war, was gone. Everything had changed.

On the path to Hill 10 I met a woman, Deng Thi Son, whose husband had been in the Viet Cong. We talked for a while and she told me her husband had been killed in the war. It became obvious that he had probably been killed by my men—maybe even by me. She never found his body. Most likely it was burned or buried by a bulldozer in a mass grave.

For years we disposed of the enemy dead like so much garbage. We struck cigarettes in the mouths of corpses, put Playboy magazines in their hands, cut off their ears to wear around our necks. We incinerated them with napalm, atomized them with B-52 strikes, shoved them out the doors of helicopters above the South China Sea. In the process we took down their dog-tag numbers and catalog them? Do an accounting? Forget it.

All we did was count. Count bodies. Count dead human beings. Count the sons and fathers and brothers, the daughters and mothers and sisters, of real human beings. That was our fundamental military strategy. Body count. And the count kept going up and up.

Dong Thi Son never got an accounting, never learned what happened to her husband, knew only the date he never came home to her and their four children. I had to tell her that I had been part of her husband's death. It was hard, because in battle the man you kill doesn't have a name. He's just brown. He's an enemy. An abstraction. That word, "enemy," is more powerful than guns and bullets, than artillery and jets. It's what lets us pull the trigger, push the button, fire the rockets, drop the nukes. It's what makes war possible. But now I know this abstraction's name and his widow was walking beside me.

So I told her. She listened, paused and looked out over the rice paddies. Then she replied: "But that was during the war. The war is over. Life goes on."

Ending wars: She understood how much American families want to know the fate of their relatives. That's the irony. The Vietnamese understand better than anyone. That's why they let us dig in their cemeteries, even though they know that thanks to us, they'll never find their own MIAs. The men and women we tried to kill and who tried to kill us understand what we went through far better than do Americans who weren't there. The more contact we have with them, the better.

Wars need to end. After a while, you forget why they started and it doesn't even matter. Atrocious breeds revenge breeds more atrocity. The cycle can go on for decades, even centuries, as Bosnia and Ireland, Pakistan-India, the Middle East, make all too clear. The ending of a war should do what the funeral service does: help the living. But Vietnam never ended, not really. Our war just kept going on, right there on TV, year after year.

The images poured out: the Zippo lighter just about to ignite the thatch roof, the young naked girl screaming in the road, the

wounded Marines on a tank, the misanthropic singer full-bore into "Proud Mary." The bodies in the ditch in My Lai. The helicopter leaving the embassy roof. Finally, all of us veterans touching the wall at the dedication of the Vietnam Veterans Memorial. That memorial, with its names and its reflective otherworldly black surface, was the true accounting of the cost of war. It was a bill of sale.

I used to get angry about Vietnam, about whether it was right or wrong, about which side did this and which that. I don't anymore. I don't want to keep the war alive. I care about Vietnam for the people I knew and loved there, for their heroism and for their very human cowardice, for the way it extended our moral spectrum out beyond visible sight.

But it's hard to let go. Like Confederate veterans, we fought bravely and nobly in a Lost Cause. That rankles and bruises and itches; it works its way under the surface like burned shrapnel. You're supposed to go to war for the right reasons, fight well and win. That's how it was for our fathers in World War II. We fought with the same courage and self-sacrifice. We shed real tears, bled real blood. And nothing changed—except us, we changed. And for what? What was that black wall in Washington for?

Last testament: It was for nothing. It was all wasted—all the blood and treasure and high technology, all the bravery and USO shows and letters home, all the families waiting for that telegram they dreaded, all the lost potential of so many young men and women who never came home. "I never knew a man," Graham Greene wrote in "The Quiet American," "who had better motives for all the trouble he caused." That was us. We meant well, we were brave, we believed our leaders would see those qualities well, and they didn't.

Most of us were teenagers when we went to Vietnam. We weren't the children of doctors and lawyers and professors and the politicians who sent us. They went on to college and cushy jobs. The war wasn't even a blip in their lives. The war, Michael Herr wrote, was what we had instead of happy childhoods. Yet for every damaged soul now sleeping on Venice Beach, there were others who grew up in Vietnam, learned values like courage and loyalty, hard work and sacrifice. We saw those lessons in each other's eyes. If our country didn't care about us, then we cared about each other. We built our own memorial, shed our own tears, made our own fullest possible accounting. And then we got on with it. We've grown up. We're parents and grandparents now. One of us is vice president. Today's soldiers think of us as antiques. When I did "China Beach," the young actors saw Vietnam as a historical costume drama, like wearing togas or powdered wigs.

We'll never forget. But it's time to stop rooting in that rag-and-bone shop of our hearts. It's time for old soldiers, old enemies and old draft dodgers to make peace together. No more blame. No more excuses. Life has gone on, and the war is over. Finally.

FROM KING FEATURES SYNDICATE, 235 EAST 45TH STREET,
NEW YORK, N.Y. 10017

LET'S END THE SUFFERING BY DAVID H. HACKWORTH

It is hoped that President Clinton will soon announce an end to America's diplomatic and economic embargo of Vietnam, thereby finally putting an end to our longest war and the most devastating bloodbath in Vietnam's 2,000-year history.

It was a bad war that killed 3 million Vietnamese, 60,000 Americans and scarred America's soul with the same violence with which it pummeled Vietnam's people and countryside.

It's been argued that it's inappropriate for Clinton to end the war because he refused to serve there. I disagree. He's the right person. Back in the divisive and turbulent 1960s he, along with millions of other Americans, said the war was wrong. History has proved them right. Clinton's moral stand makes him not unlike Willy Brandt, who objected to Hitler, left fascist Germany and returned after the war to lead his country's rebirth.

Clinton's decision will create a lot of heat. He will have thrown a firebomb that will incite the unforgiving. They will froth at the mouth across the airwaves and march in the streets. The Ross Perots and Oliver Norths will charge forth, backed up by a cadre of beer-bellied "Vietnam heroes" in camouflage fatigues who will attack the president with irrational hate.

Since the fighting stopped, I've been in contact with thousands of Vietnam veterans. All but a handful want to end the embargo. While most don't wear uniforms or march behind black MIA flags, they were in the thick of the fighting and the dying, seeing their brothers blown apart and taken out on stretchers and in body bags. They also saw villages bombed and napalmed and innocent people slaughtered.

Few carry grudges or harbor malice, but all carry the mental scars that brand every veteran of that searing apocalypse. All of us want to end the nightmare that continues to play in the collective mind of our nation.

Burying the hatchet would allow those Americans who fought, those who didn't, those who protested and

those who stuck their heads in the sand to let go of the past. They all have guilt, and making peace will exorcise that shame and remove the pain.

This will be our long-delayed gift to the people of Vietnam, the paddy people who were at the center of the violence and who now live in one of the poorest nations in the world. Easing the embargo will let them join their regional neighbors and enjoy the good life, where children have medicine and parents can provide a promising future.

Trade between our two nations would flourish. Jobs would be created on both sides of the ocean. American goods will be everywhere.

As their Vietnamese-American cousins have proved, the resourceful Vietnamese are intelligent, hard-working and skillful. With our help, Vietnam will recover faster than Japan and Germany, countries we forgave before the cannons grew cold.

Lifting the embargo will increase communication and understanding, and plant the seeds of democracy in ground that's ready for change. Tourists will visit former battlefields and villages from the Mekong Delta to Hanoi. Americans and Vietnamese will interact. Friendships will develop, secrets will be told and the chance of unraveling the MIA mystery will be greater than it has been with the punitive embargo in place.

Communism will fall to the Yankee dollar. "Coca-Colaism" will win over totalitarianism, as it has the world over.

Moreover, Vietnam sits on critical terrain. Nearby, an uncertain China could switch back to its belligerent ways at any time. The United States built billions of dollars in first-class bases, ports and military infrastructure in Vietnam. With a reasonable lease and a coat of fresh paint, U.S. forces could be back in the security business in an area of great strategic importance.

A poster from the 1960s read, "Suppose they had a war and nobody came." We went. Millions suffered. Declaring peace would end the hurting and be the final act of healing.

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Distributed by King Features Syndicate, Inc.

Tuesday, February 8, 1994

Clinton and Vietnam

IT was a simple, dignified ceremony. Yesterday, what are thought to be the remains of 13 United States servicemen missing in action in Vietnam were flown from Hanoi to Hawaii, where experts will try to identify them.

That the effort to locate MIAs continues should be of some comfort to the families of missing servicemen. These families deserve a full accounting, as do those of an estimated 300,000 Vietnamese MIAs that the US has pledged to help trace.

Nevertheless, President Clinton was correct to lift the US economic embargo against Vietnam. The decision marks another step in the reconciliation with a former enemy and a realization that while the US still must heal remaining emotional wounds brought by the war, its policy cannot remain captive to them.

This step nearly occurred under President Carter, but got sidetracked over issues of economic aid. At the same time, Vietnam invaded Cambodia in response to border provocations and fought in a brief but costly conflict with China, a country that Mr. Carter's foreign-policy advisers saw as a crucial counterweight to the Soviet Union. During his final months in office, President Bush applauded what he saw as a breakthrough in Vietnam's cooperation in resolving the MIA is-

sue. The door opened for US humanitarian aid to Hanoi, and companies were permitted to conduct feasibility studies and sign contracts with Vietnam. After Mr. Clinton took office, he dropped US opposition to International Monetary Fund and World Bank loans to Vietnam and allowed US companies to participate in projects funded by those loans. Meanwhile, other Asian and European nations had begun to develop economic ties with Hanoi, diluting the embargo's effect.

For MIA families, Clinton's decision could benefit efforts to account for the missing. A liaison office in Hanoi will set up many of the services of an embassy, adding another full-time, in-country point of pressure to continue searches. Moreover, Clinton has two significant carrots in reserve: full diplomatic recognition and most-favored-nation trade status.

For Vietnam, Clinton's decision will likely strengthen movement toward long-term economic and political liberalization, particularly as expatriates return to Vietnam from the United States and elsewhere.

MIA families and many veterans' groups remain unconvinced that Clinton made the correct move; they say he sold out to economic interests. His most effective means for countering the accusation is to continue to pursue the MIA issue vigorously.

OPENING UP TO VIETNAM

[editorial]

THE TRADE embargo had come to represent the last self-imposed restraint on renewal of American relations with Communist Vietnam. Ostensibly, the embargo had been kept on strictly to ensure Vietnamese cooperation in searching for Americans still regarded as missing in the Vietnam War, which ended for the United States in 1975. But unquestionably Americans needed time to come to terms with a conflict that had taken 58,000 American lives, convulsed American politics and society and ended in an unprecedented American defeat. The reclaiming of a vestigial honor was rightly seen to lie in a due respect for the MIAs. Vietnam played on this American preoccupation in the bargaining, delaying for years the lifting of the embargo that President Clinton announced the other day.

As men of the right, Ronald Reagan or George Bush could easily have taken this major step toward normalization, had the MIA and Cambodia issues been ripe. But as one who opposed the war in his student days and avoided military service, Bill Clinton needed an even larger showing of Vietnamese cooperation. It took him a year, but he got it, last year in Cambodia, where Hanoi supported a peaceful denouement, and now with the MIAs, where he promises to keep looking. Mr. Clinton also needed, and got, a full measure of support across the political spectrum at home.

A president who premises his whole foreign policy on adjusting to the global economy said he had refused trade briefings so as to emphasize the exclusion of trade considerations from his embargo decision. But of course there are trade considerations. Vietnam's ardent interest in the economic openings to which only Washington has the key provided crucial American leverage. Vietnam is poor, still unrecovered from its war wounds and shackled by a system of lingering central planning. However, it has a large (70 million) population whose energies many Americans came to respect in the war. Expectations of quick and fancy profits court disappointment but business opportunities do exist, plus opportunities for regional accommodation. On its part, Hanoi is especially eager to enlist the American strategic weight against its traditional rival, China.

As things go along, some Americans will be drawn to explore common human ground with the former foe. Many, we hope, will try to see to a widening of the tiny space now available in Communist Vietnam for human rights.

Opening to a New Vietnam

President Clinton did the right thing for the United States this week in ending the 19-year-old ban on Americans' doing business with Vietnam. For Mr. Clinton, it was an act of political courage. Had his predecessors been able to take a larger view of American interests, they would have lifted the embargo years ago.

Vietnam has been changing dramatically for nearly a decade. Most of the differences that drove Hanoi and Washington to war in the 1960's and 1970's and kept them at odds through the early 1980's have disappeared.

In fact, almost all have been resolved in America's favor. Vietnam's troops are out of Cambodia. Its markets are open to the world. And it has turned away from what remains of the Communist bloc to seek new links with the Association of South East Asian Nations, formed during the Vietnam War as an anti-Communist bloc.

Vietnam is still a one-party state with an appalling human rights record, but so are some of America's best friends and trading partners in Southeast Asia. What has kept Washington at arm's length from the new Vietnam is, of course, the legacy of an old war.

Only a small part of that legacy was substantive. While every single case of a soldier lost without remains or information is a family tragedy, the number of Americans still unaccounted for is unusually small given the scope and duration of American involvement.

The war's larger legacy has been political and psychological. The dead and the missing were not, as in past wars, redeemed by an American military victory. For many Americans this was humiliating; for some, even dishonorable. Refusing to acknowledge Hanoi meant refusing to certify Washington's defeat. As the years passed, and Vietnam found the trade and aid it needed elsewhere, making the embargo pointless, only a minority remained irreconcilable. But successive Republican Presidents indulged this minority, while successive Democrats feared provoking them.

It is thus remarkable that Bill Clinton, whose own opposition to the war and avoidance of the draft made him especially vulnerable to attack on this issue, became the President who finally recognized reality and acted in the national interest.

Hanoi made it easier for him with its vastly improved cooperation in recent years on searching for remains of missing Americans. So did American business leaders clamoring for a share of the growing economic action before European and Asian countries locked any more of it up for themselves. And Mr. Clinton has prudently held back on such steps as diplomatic recognition and special trade and aid agreements, holding them out as inducements for further Vietnamese cooperation and human rights progress.

But give this President the full credit he deserves, for at last ending America's self-imposed, self-punishing exile from the new Vietnam.



E. R. ZUMWALT, JR.
ADMIRAL U. S. NAVY (RET.)

February 3, 1994

President William Jefferson Clinton
The White House
Washington, DC 20500

Dear Mr. President:

From 1968 until 1974, I served first as Commander of the Brown Water Navy in Vietnam and then as Chief of Naval Operations and member of the Joint Chiefs of Staff in those final years of the Vietnam War. As a result, I have carried a special responsibility not to forget the sacrifices and to deal with the hardships of the magnificent men and women who served their country in that War--and their families.

That responsibility has led me to expend considerable time and effort on Vietnam veterans' causes over the last twenty years:

-- Calling for exhaustive efforts to account for missing POWs and MIA's while denying recognition to Vietnam.

-- Winning compensation for Vietnam veterans suffering from diseases judged to result from exposure to Agent Orange or compensation for their families.

-- Joining in supporting an appeal to the U.S. Supreme Court of a federal court's flagrant violation of Vietnam veterans' rights to seek compensation from Agent Orange manufacturers in the Ivy v. Diamond Shamrock class action suit.

I list these actions to demonstrate whose side I am on in this appeal that the time has come in the interests of those families whose loved ones lost in the Vietnam War are not yet accounted for to lift the sanctions against and to recognize Vietnam.

I have had the opportunity to examine with you and your staff recent progress in this accounting.

In July 1993, you announced four main areas in which further tangible progress in accounting was required. In pursuit of that national objective, an intensive diplomatic effort by 500 skilled

and devoted men and women with a combined budget of over \$100,000,000 has achieved significant progress in all four categories; namely, the return of remains, the resolution of discrepancy cases, trilateral border cooperation with Laos, and accelerated efforts to provide documents relating to POW/MIA.

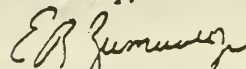
Since your July announcement there has been significant progress, and we have today virtually unlimited access and every assistance from Vietnamese officials in the vital work so desperately important to the bereaving families and to us who feel responsible for them.

But much more could be accomplished, and the time required could be greatly foreshortened. There are thousands of acres in obscure areas still to be examined and there are many thousands of potential witnesses still to be identified within the Vietnamese population. We need thousands more Americans travelling the width and breadth of Vietnam, talking to Vietnamese in the villages and in the rural areas. We need to provide free access for POW/MIA families to all the locations they desire to explore and to see for themselves the extent to which the Vietnamese people are now seeking to be helpful. We need the additional efficiencies that a U.S. diplomatic presence in Vietnam will bring to this effort.

I lost a son as a result of his exposure to Agent Orange in Vietnam. Therefore, I know, both as a parent and as a wartime commander responsible for some of their lost loved ones, the anguish POW/MIA families feel.

It is in that light that I strongly urge that for their sakes we need to speed up the day when they will know what happened to their loved ones or know that all that can be done has been done. This can only come if we put aside bitterness and revenge, lift the trade sanctions, recognize the government, and begin the process of the peaceful penetration of Vietnam.

Sincerely,



E. R. Zumwalt, Jr.

**STATEMENT BY GENERAL WILLIAM WESTMORLAND
IN SUPPORT OF LIFTING THE EMBARGO AGAINST VIETNAM
February 3, 1994**

During my years in uniform, I was never prouder of our military than when I served as the theater commander in Vietnam. Hundreds of thousands of brave men and women risked their lives -- and thousands paid the ultimate sacrifice -- to serve the country they loved. This was a difficult and divisive era. But those who served knew that they were fighting for freedom and for America's highest values. We owe it to them to make the utmost effort to ensure that we have fully accounted for all our soldiers. But that understandable quest for the truth must not hinder us from doing what is right for our country and the world.

I strongly support the action that is being taken today by President Clinton. It is well past time to put this divisive and difficult era behind us. In the past year, the Vietnamese government has significantly improved its efforts to work with our government on the accounting for MIAs and POWs. In my view, the lifting of the embargo is the best way to advance that goal.

It is two decades since the end of the Vietnam conflict. America is always at its strongest when we are united, and when we lead the world.



INTERNATIONAL
SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400



Honorable Gary L. Ackerman
Chairman
Subcommittee on Asia and the Pacific
United States House of Representatives
Washington, DC 20515-3205

Dear Mr. Chairman:

As a result of testimony by then Acting Deputy Assistant Secretary of Defense (DASD) Edward Ross on February 10, 1994, before your subcommittee you made several requests for additional information. To preclude any confusion, I will address each question in the order presented in your letter.

Question 1. During testimony by Carol Hrdlicka, she raised the issue of a trip General Vessey took to Vietnam in 1987 to discuss the release of seven or eight live POWs. In support of this contention she provided us with a copy, largely illegible, of a 1988 document from the Joint Casualty Resolution Center (JCRC). I ask that you provide the Subcommittee with a legible copy for the record.

Answer 1. The source of this report is a well known MIA activist living in Thailand who was a frequent source of fabricated reports of this nature. Each of these reports was thoroughly investigated, and none were found to have any basis in fact. The Department of Defense (DoD) places no credibility in this report. A redacted copy is provided at Tab A.

Question 2. Please provide the subcommittee with a detailed accounting of the investigation of the fate of Colonel David Hrdlicka. Please discuss the evidence that has led your office to conclude that Colonel Hrdlicka died in captivity as well as the date that he died as precisely as possible.

Answer 2. Tab B is a copy of a letter we sent to the Air Force Missing Persons and Inquiry Division at Randolph Air Force base in San Antonio, Texas, for subsequent release to Ms. Hrdlicka. The letter provides detailed accounting of Captain David Hrdlicka's death that you requested.

Question 3. Testimony by Mr. Michael Bengé indicated that a detection was arranged two years ago by the Defense Intelligence Agency (DIA) of a North Vietnamese cameraman who claimed that he took film of a secret camp of American POWs headed for Moscow and



Beijing. Was there such a defection? If so, have you pursued the existence of the alleged film of American POWs? If U.S. Government officials have seen this film, has it led to the resolution of any of the outstanding POW/MIA cases?

Answer 3. Based on information provided by Mr. Benge, the individual to whom he is referring is a Vietnamese who had extensive contact with the Defense Intelligence Agency (DIA) from January through June 1992. This individual never requested DIA assistance regarding defection. DIA personnel drove him to a local immigration office so he could have his visa extended after he informed the DIA people that his U.S. visa was due to expire on the date of the interview. After terminating contact with this individual, he met with Senator Robert Smith (R-NH). According to a June 11, 1992, "USA Today" article, the individual requested political asylum during his meeting with the Senator. We do not know his present status.

During his numerous meetings with DIA interviewers, the Vietnamese cameraman never mentioned a secret camp for POWs headed for Moscow, Beijing, or any other destination, nor did he mention a film of such an alleged camp.

No new information useful in the resolution of outstanding cases was obtained from the photographs provided by the Vietnamese cameraman. All the individuals depicted in his photographs have been accounted for. Most of the photos were taken in Hoa Lo Prison (Hanoi Hilton). A few photos were taken in the field shortly after the Americans' were captured.

Question 4. Please provide, for the record, the interagency analysis of the so-called "1205" and "735" documents found in the Russian archives.

Answer 4. This analysis was previously provided along with copies of Acting DASD Ross's February 10, 1994 testimony.

Question 5. Ms. Patricia Plumadore testified that her brother Lance Corporal (LCPL) Kenneth L. Plumadore was captured on September 21, 1967, and subsequently died in captivity. Please provide to the Subcommittee the records used to associate the returned remains with her brother. Please tell the Subcommittee the whereabouts of the personal effects of Kenneth Plumadore and where his remains were kept between 1967 and 1986.

Answer 5. Unfortunately, the facts surrounding the incident of loss for LCPL Plumadore are not as clear as your question implies. A defending company was forced to leave an area around Con Thien, Quang Tri Province under heavy fire in September 1967. Believed to be dead, 15 casualties were left on the battlefield when the unit withdrew under fire. LCPL Plumadore was one of the casualties. Three weeks later, the company was able to enter the area again. Fourteen bodies were recovered and identified; LCPL

Plumadore was the only one unaccounted for. The Marine Corp declared him killed-in-action (body not recovered).

In 1986, the Socialist Republic of Vietnam (SRV) returned remains of an individual whom they described as captured in the battle at Con Thien, but who died of wounds on September 27, 1967; they had no name or other identifying data. Technical intelligence supports the SRV claim that one man from that incident had been captured, although the Marine unit believed all had perished. Because LCPL Plumadore was the only man listed as unaccounted for from this incident, DIA suggested to the United States Army Central Identification Laboratory-Hawaii (CILHI) that LCPL Plumadore was the individual who may have been captured, and these may be his remains. While CILHI has been unable to identify these remains, they have determined to a certainty that these are not the remains of LCPL Plumadore.

When CILHI determined that these were not the remains of LCPL Plumadore, the previously stated hypothesis that he was the man captured at Con Thien became questionable and remains so today. However unlikely it may be, we cannot say with certainty that LCPL Plumadore was not the man captured; the SRV may have returned the wrong remains. SRV misassociation and/or misidentification of remains has occurred several times.

The Plumadore case remains under investigation. All leads are being pursued, to include the possibility of a misidentification of one or more of the 14 remains recovered at Con Thien in 1967. No personal effects for LCPL Plumadore have been returned by the Vietnamese, or discovered in the joint investigative process.

Question 6. Please submit for the record a list of requests for information that your office has made of the Vietnamese which they have subsequently refused to provide.

Answer 6. To the best of our knowledge, the Vietnam Government has never flatly refused to provide materials we have requested. However, there have been many instances in which promises of material have not been fulfilled either through their failure to find the requested material (lost in war, etc.), or their assurances that they are working on our request.

Question 7. Please advise the Subcommittee what steps your office has taken to investigate the possibility of live POWs being held in Laos.

Answer 7. The mechanism to conduct live sighting investigations in Laos is similar to that in Vietnam except the investigator is not permanently stationed in country. As soon as a report of a live American is received in this office, it is immediately assigned to an analyst. The analyst reviews all available

information to see if the sighting can be correlated to an unaccounted for American. The vast majority of live sighting reports received to date are wartime sightings. Most of these sightings have been correlated to Americans who were known to have been captured in Laos. A small body of reporting has also been correlated to Caucasian foreign aid workers or Eastern Bloc military advisors known to have been in the area at the time of the sighting. A small number of firsthand live reports were determined to be fabrications and referred to the Interagency Review Panel for concurrence.

If a source report is incomplete, or the analyst believes the source may have additional information, a Source Directed Requirement (SDR) is developed and the source is asked additional questions. If circumstances dictate, a Collection Support Requirement (CSR) is sent to the DIA. This CSR requests that a live sighting investigator immediately go to the location of the sighting. Live sighting investigations are conducted by members of a DIA team located in Bangkok, Thailand, known as Stony Beach.

Upon receipt of the CSR, Stony Beach interviewers, who are highly trained linguists and interviewers who have been involved in the issue for a number of years, effect coordination with Joint Task Force-Full Accounting (JTF-FA) representatives in Vientiane. JTF-FA then develops a diplomatic note which contains a brief summary of the report and key objectives of the investigation and passes it to the Lao Government. This is done because live sighting investigations are conducted only with the express approval of the host government. During investigations, interviewers visit the sighting location and speak to numerous local officials and villagers. On occasion, the investigators have also been allowed to review prison records. To date, six live sighting investigations have been conducted in Laos. In cases where use of a live sighting investigator is not appropriate, or the Lao Government does not concur with an immediate investigation, other collection assets are employed.

Second Section of Questions

Question 1. Is it true that when a live sighting investigation is conducted, our people give the Vietnamese about 48 hours before visiting the area in question?

Answer 1. When the live sighting investigator (LSI) mechanism was established in late 1991, the United States and Vietnamese Governments agreed that if the LSI program was to function properly, the United States Government should be able to request immediate access to certain areas of Vietnam to investigate sighting reports. These no-notice type investigations were then incorporated into the LSI procedures. The circumstances of the live sighting reports identified for separate investigation have warranted very few no-notice investigations. For example, a

sighting that occurred in 1990, but was not reported until 1994, would not justify an immediate investigation. On the other hand, it should be noted that in every instance when the United States Government has asked to conduct a no-notice type investigation, the Vietnamese have permitted the LSI to conduct an investigation, sometimes within hours of the request.

For those remaining live sighting reports that did not justify an immediate investigation, normal procedure for the United States Government has been to give the Vietnamese Government what is called "advance notification", that might be as many as 48 hours in advance in some instances. The purpose of the advance notification is to allow Vietnamese officials time to coordinate travel plans, to coordinate with government officials in Hanoi and to coordinate with provincial, district, and local officials in the areas to be visited. It was determined that 48 hours was the minimum amount of time required to coordinate investigations in the southern portion of Vietnam.

Question 2. Is it true that when we know that we are going to do a live sighting inspection we do not take measures to monitor activity at those locations, prior to or after the visit?

Answer 2. The vast majority of the live sighting reports received previously have been of the nature that monitoring was neither required, appropriate, nor justified. For example, although a report of a Caucasian observed cutting wood in southern Vietnam, or Caucasians present in Quang Ngai would be appropriate for investigation by the LSI, the substance of the report would not justify monitoring. Additionally, many of the live sighting reports are out dated by the time they are actually reported to United States officials that monitoring is not appropriate. When a sighting report is received that justifies monitoring, the appropriate agencies within the Intelligence Community are informed of the report and assistance is requested.

Question 3. Is it true that when we learn of a Vietnamese source who has information regarding live sightings, our investigators ask the Vietnamese for help in finding the person and help in arranging the meeting?

Answer 3. During the course of the live sighting investigations in Vietnam, the Vietnamese Government has been asked for help in gaining access to specific sources in only a few isolated cases. It has not been standard policy to discuss sources, by name or position, with the Vietnamese. It must be noted that in practically all of the live sighting investigations, the LSI was following up on information from sources outside Vietnam; therefore the names of the sources were never discussed with the Vietnamese, nor were the names required to conduct the investigation. All LSI investigations conducted in Vietnam are overt, and the LSI is accompanied by Vietnamese counterparts; that being the case, the names of all sources developed during the course of live sighting investigations in Vietnam are known to the

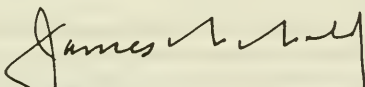
Vietnamese Government. In one instance, after the name of a source had been made available to activist groups in the United States, and only after the individual had been determined to be unavailable, was the Vietnamese Government asked for assistance, to no avail. It is normal practice for the LSI to visit the areas of the reported sightings in an attempt to identify further sources with information. Since such investigations are conducted with the cooperation of the Vietnamese, all potential and actual sources contacted during the course of LSI investigations are known to the Vietnamese Government.

Question 4. Is it true that the qualification standards for key personnel directly involved in the investigation/reporting chain -- the task force commander, detachment commanders in Hanoi, Vientiane, Phnom Penh, team chiefs of field teams, priority case investigation, and oral history interview teams -- do not include language fluency relevant to the country assignment, experience in intelligence interrogation or criminal investigation, area studies/attaché experience relevant to the country of assignment, or previous POW/MIA experience?

Answer 4. The breakdown of the qualifications of the JTF-FA personnel currently occupying the positions you have identified is provided at Tab C and demonstrates that the cumulative experiences of this team fully supports the requirements of the mission.

I hope this information is helpful to your Subcommittee's efforts.

Sincerely,



James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)

Recent Reports on American POWs in Indochina: An Assessment

Introduction

On 8 April 1993 the cochairman of the US-Russian Joint Commission on POW-MIAs received officially a document from the former Soviet Union's Communist Party Central Committee archives that purports to be a Russian-language translation of an official Vietnamese report on American POWs held in North Vietnam in 1972. This same document was released and publicized shortly afterward by researcher Stephen Morris. The document asserts that Hanoi held 1,205 American prisoners in mid-September 1972, a number more than twice as large as the number actually freed in Operation Homecoming in early 1973 and far higher than the United States Government believes could have been captured. This report is hereinafter referred to as the "1205 Report."

In mid-May 1993 a review of documents being declassified by the Central Intelligence Agency and State Department under Executive Order 12812 uncovered a series of reports (originally disseminated in 1970) from a North Vietnamese defector named Dang Tan. These reports appeared generally to corroborate the idea that there were more POWs held alive in Hanoi than the Vietnamese Government admitted. One of these "Dang Tan Reports" claimed that in 1967, when Tan left the North, Hanoi already held "more than 800" US pilots as POWs. On 2 September 1993 the Cochairman of the US-Russian Joint Commission on POW-MIAs received another Russian language intelligence document from the former CPSU archives containing information pertinent to the POW-MIA situation. This fragmentary GRU report—purportedly part of a report given to a Vietnamese Communist Party plenum in late December 1970–early January 1971—refers to 735 "American fliers" held in Hanoi at that time. We will refer to this report as the "735 Document."

At the request of the Acting Deputy Assistant Secretary of Defense for POW-MIA Affairs, a committee of intelligence community analysts from the Defense Intelligence Agency, Central Intelligence Agency, and State Department's Bureau of Intelligence and Research, as well as other POW-MIA specialists convened to review and assess the information contained in the "1205 Report," the "Dang Tan Reports" and the "735 Document." The following assessment represents the consensus of those representatives and should be considered a step in an ongoing process to evaluate all information pertinent to the POW-MIA subject. As further information becomes available, it will be updated.

Separately from this analysis, US Government representatives have made considerable efforts to follow up on information in the "1205 Report." One of the principal objectives of General John Vessey's 18-19 April 1993 trip to Hanoi and of a US Congressional delegation that visited there 31 May-1 June 1993 was to obtain information pertinent to the Russian document. Although the Vietnamese charge that the "1205 Report" is a fabrication, they did provide General Vessey and Senator Kerry with several documents on POW-MIA matters and extensive interviews with and official reports about General Tran Van Quang—the supposed author of the speech presented in the Russian document. These materials have not enabled us

to resolve questions about the reports, but the information has been useful for analytical purposes.

Efforts to obtain more information from Moscow on the "1205 Report" are continuing. The Russians say they have not been able to locate a Vietnamese language version of the report, nor have they explained how or by whom it was originally acquired. At the request of the US Government, they are continuing to search their records.

The "1205 Report" — Is It What It Claims To Be?

The "1205 Report" appears to be an authentic Russian intelligence report, consisting of two parts: a covering memorandum and summary, signed on 1 December 1972 by GRU chief Petr Ivashutin, and a "Translation of the report of Deputy Chief of the General Staff, Vietnamese People's Army, General-Lieutenant Tran Van Quang, at the session of the Politburo, Central Committee of the Vietnamese Communist Party, 15 September 1972." Most of the attached report is about a planned political subversion campaign against the South Vietnamese government. The remainder deals with the numbers and treatment of American POWs. At no point in the report itself is the speaker identified, the audience specified, or the precise date of the report provided. That information comes only from the Russian, GRU-originated cover memo.

The report itself contains some verifiable, or at least plausible information, the most credible of which is in the section about political operations planned for South Vietnam. For example:

- It identifies several South Vietnamese leaders (one incorrectly) who were known opponents of the regime of President Nguyen Van Thieu and who were reported to have had clandestine contacts with representatives from the North.
- It accurately depicts the circumstances surrounding the surrender of a South Vietnamese unit during the 1972 Easter Offensive, admitting that the North's propaganda had misrepresented the event.
- It predicts an upsurge in terrorist attacks beginning in October 1972, which was indeed noted in the Mekong Delta region in November, although not on the scale or with the political effect predicted in the document.

The report, however, also contains numerous errors and inconsistencies, particularly in the section on POWs. Because of these errors—detailed below—we cannot accept without question that the "1205 Report" is a report to the Vietnamese Politburo or that General Quang delivered the speech. We cannot dismiss the "1205 Report" as a fabrication, but before we can accept it as what the Russian cover memo claims it is, we must have better evidence of its authorship and credibility.

Incongruous Numbers

The document has multiple incongruities. Most importantly, the numbers provided in the "1205 Report" cannot be reconciled with US Government records and known facts:

- The figure of 1,205 American POWs is far higher than any other estimate from any reliable source. If it were true, it means there were 669 more prisoners in North Vietnam than we ever believed to be the case. Returning POWs (who kept careful track of each other during their imprisonment) were unaware of any other American prisoners. Moreover, if Americans had been segregated by rank, as the document claimed, returning Americans of each rank should have known about additional POWs in their respective ranks.
- To have remained unknown to other Americans, this number of additional POWs would have to have been separated from other prisoners at, or close to, where they were captured and immediately sent to a separate prison system. We have found no evidence of an additional system. The United States has employed technical means to search thoroughly for signs of prisons and developed detailed information on the known Vietnamese prison system. Over the last 20 years, thousands of interviews have been conducted with people who could have had knowledge of such systems: American and South Vietnamese POWs, reeducation camp and prison inmates, and Vietnamese refugees and defectors, including former North Vietnamese civilian and military officials. No information has emerged that would substantiate the inference of the "1205 Report" that a separate prison system existed.
- The figure 1,205 is also inconsistent with our understanding of how many Americans would have survived the events in which they were lost to become captives. Based on information available to US researchers as of 19 January 1994, at most, the fates of 73 Americans lost in Vietnam are still uncertain. This figure is derived from US wartime records, nearly six years of on-the-ground investigation throughout Vietnam, and interviews with thousands of Vietnamese residents. For the number 1,205 to be correct, we would have to assume that 669 Americans—including some whose wartime commanders declared them "killed in action/body not recovered"—actually survived and were captured and transported to an unknown prison system. This is highly implausible, not only because of the lack of evidence of a secondary prison system, but also because investigation has verified that virtually all of those who had been declared KIA-BNR were indeed killed as reported.

Errors and Omissions

The Russian document contains numerous errors of fact. Some of these have been discussed in the press and reflect the experience of returned POWs:

Claimed in the 1205 Report

POWs were segregated by rank, with majors in one camp, colonels in another.

Sixteen US officers with the rank of Colonel (O-6) were held in Hanoi in 1972, seven captured in the North and nine in the South or elsewhere.

Prisoners were classified and would be released on the basis of their political cooperation and attitude.

Prisoners were dispersed to 11 different camps after the US raid on Son Tay Prison in 1970.

Analysts consider that there are several things missing from the speech that should have been mentioned if it was delivered at the time claimed.

- On 16 September, supposedly the day following the speech, three American pilots were released into the custody of an American peace activist, a plan that had been made public two weeks earlier. It is curious that, in a report supposedly made to the Politburo, no mention is made of this plan.
- Vietnam's public and private position on POW releases, as of 31 August 1972, was that captured Americans would be released after a negotiated solution to the conflict and a cease-fire in Vietnam and concurrently with the withdrawal of US forces from South Vietnam. Contrary to the "1205 Report," Laos and Cambodia were not included in the terms.

On a more subjective level, some analysts consider the overall tone and length of the "1205 Report" speech inappropriate for delivery to the Politburo, the highest decisionmaking organ in North Vietnam. In their experience with other official Central Committee reports, a more formal style is usually adopted. The frequent use of the first person and occasional hortatory exclamations found in the "1205 Report" are more consistent with an address delivered to peers or underlings.

Reported by Returned US POWs

POWs were not segregated by rank but were held together in several facilities.

According to US records, only 10 O-6 pilots were lost during the entire war, nine over the North, and one over Laos. Only four became POWs.

Although Hanoi may have classified and planned to free US POWs based on their attitude, those released in 1973 were freed in the order of their date of capture.

Prisoners were not dispersed after Son Tay but were consolidated into four more heavily-defended camps.

Where Was Tran Van Quang in 1972?

Tran Van Quang and other Vietnamese have denied the authenticity of the "1205 Report" on grounds that Quang was not Deputy Chief of Staff but rather a Military Region commander in September 1972. US Government biographic records tend to corroborate Quang's story, especially as supplemented by an extensive interview he gave to a US Congressional delegation to Hanoi.

According to US biographic records, Quang was publicly identified as a Deputy Chief of the General Staff in 1959, and again in 1974, but we believe he probably did not function in that position in the intervening period. Quang's military career is not well-known, in part because he served for several years in the South as an "underground" military leader. (He was noted publicly only twice, as the author of articles in military publications in 1965-66). Available evidence suggests two tours in the South, one from 1960 to 1964, and another from 1966 to 1972. During the second tour he first commanded Military Region IV—along the northern side of the DMZ. In August 1966 he was placed in command of troops in the newly-created "Tri-Thien-Hue" Military Region, also known as the "B-4 Front," in northern South Vietnam. In that capacity he was heavily involved in the bloody occupation of Hue during the Tet Offensive of 1968.¹

Quang claims he remained as B-4 Commander through the 1972 North Vietnamese Offensive (the "Easter Offensive"), which lasted from April to September. He gave the US Congressional delegation copies of a letter sent to him in the South by General Secretary Le Duan in August 1972 (he is addressed by his pseudonym, Bay Tien). He also provided a copy of a November 1972 document that reorganized the B-4 command, relieving him of duty there. US Government biographic records for that period are spotty. Fragmentary information from prisoner interrogations suggests that Quang was in the B-4 Front at least as of the end of April 1972. During the 1972 offensive, North Vietnamese troops captured the provincial capital of Quang Tri and held it until the end of September 1972, when they were finally driven out by heavy US bombing and a South Vietnamese assault. It is likely Quang remained with his troops in the B-4 Front during this critical battle. Quang claims he was not in Hanoi during the period that the report cited in the Russian document was supposedly delivered. He said he was only passing through Hanoi in mid-December en route to East Germany for medical treatment.

A report to the Politburo on POWs in captivity would more likely have been delivered by an official of the General Political Directorate than someone from the General Staff, in our judgment. POWs were under the control and administration of the "Enemy Proselytizing Department" of the General Political Directorate, and officers of that department jealously guarded information about them. Other than disclosures Hanoi

¹ In a January 1988 article in the Vietnamese military journal, *Tap Chi Quan Doi Nhan Dan*, Quang criticized the lack of coordination between main force North Vietnamese units (presumably out of Military Region IV) and local guerrillas during the 1968 "Tet" Offensive. He claimed the problem had been resolved by 1972, suggesting his experience spanned the period.

made in 1970 and 1971, the Vietnamese withheld information on the number of US POWs not only from Washington, but from Moscow.

A Note on Numbers

Given the Vietnamese propensity for exaggerating figures, there is additional reason to doubt the numbers in the "1205 Report." In our view, unless a set of figures can be verified as having been delivered in circumstances that absolutely required accuracy, they should be considered questionable. The tendency to exaggerate numbers is evident throughout Hanoi's historical records of the Vietnam War. General Tran Van Quang, for example, in his 1988 military journal article on the Tet Offensive of 1968, asserted that 8,000 Americans were killed or captured in the attack on Hue alone. The Vietnam Military History Institute of the Ministry of National Defense in 1990 claimed, according to a Vietnamese researcher, that during the seven weeks of the Tet Offensive, 43,000 Americans (and over 100,000 other "enemies") were "annihilated," and 2,370 airplanes were destroyed. According to US records, 4,256 Americans lost their lives in all of South Vietnam during the period from 29 January to 30 March 1968. In and around Hue, 28 Americans were captured in the initial assault on the city, and the US Marines suffered 147 killed and 857 wounded in recovering the city. There are numerous other examples of officially sanctioned exaggeration of battle statistics, mainly for propaganda purposes.

The Dang Tan Reports

That same judgment holds for the reports from a Central Intelligence Agency source that recently have been made public. Dang Tan, a North Vietnamese medic who "rallied" to the South Vietnamese cause in April 1969, was debriefed over an extended period at the National Interrogation Center in Saigon. Numerous reports were disseminated from Tan's interrogation, seven of which concerned the treatment of American POWs. Because the US Government was increasingly concerned about POWs at that time (witness the Son Tay raid), and because we had so little data on POW conditions, Tan's information was given broad circulation, even though it was dated and acquired second or third hand. The reports made clear that much of his reporting was based on what he remembered from briefings or conversations with North Vietnamese officials.

The most striking portion of Tan's reporting is contained in a report disseminated on 12 January 1970, in which he claims that Hanoi held "more than 800" Americans as of late 1967, when Tan left the North, and that they were categorized on the basis of their degree of cooperation. Even at that time, the CIA had doubts about the accuracy of this aspect of Tan's reporting. Tan had initially reported an even higher figure, then scaled back his estimate when challenged by his interrogators. In 1971, it was decided to "surface" Tan and pass his information on to the press. The CIA instructed that Tan's press release be edited to remove any reference to the number of POWs in Hanoi. The rationale was that the number was so much higher than the United States Government believed had been captured that it detracted from Tan's credibility on other points.

Tan's reporting on the POW issue contains inaccuracies:

- As of September 1967, in all of Indochina, there were 282 air crew believed held prisoner and 292 air crew carried in MIA status (a total of 574 theoretically possible POWs, significantly below Tan's late 1967 figure of "over 800").
- Tan alleged that POWs captured in the South were sent to North Vietnam within six months. In fact, some Americans were held in the South until late in the war, even in the B-3 Front area, where Tan worked.
- Among Tan's most noteworthy claims at the time was that Hanoi gave Soviet officials access to US prisoners and that US POWs were being sent to other Communist countries. In fact, only one POW reported being interrogated by a Soviet official, and that was in 1973, three years after Tan's report. There is no credible evidence that American POWs were moved out of Indochina.

Not all of Tan's reports are erroneous, and he did report accurately on some aspects of POW conditions in the North. However, he clearly embellished his reports with rumor and hearsay. And it is notable that at least some in the Intelligence Community found his reporting questionable, even at a time when little information was available on the condition and number of American POWs in Hanoi.

The "735 Document"

This document, dated in 1971 and released by the Russians at the end of a 2 September 1993 plenary meeting of the Joint Commission on POW-MIA Affairs, is quite fragmentary. We have only two complete pages, 11 and 18, of a longer report, making it difficult to analyze closely. Like the "1205 Report," it is a GRU document, transcribing and translating the text of an oral report presented at a Vietnamese Communist Party conclave. We have no indication when or how the report was acquired and have only the GRU cover memo to identify the speaker, time, and place of delivery. Nonetheless, we believe the report is a genuine GRU document, not a fabrication, as claimed by Hanoi.

There are, however, certain problems with the report. The cover memo indicates the speech was presented at the 20th Plenum of the Vietnamese Communist Party Central Committee, held from late December 1970 to early January 1971. Verifiable records indicate the 19th Plenum was held during that period, and the 20th was not held until February 1972. The number probably was mistranscribed and the speech was actually delivered at the 19th Plenum. According to the cover memo, the speech was delivered by "Khoang An'," a Secretary of the Central Committee. Our biographic records show that a Hoang Anh was a member of the Central Committee Secretariat at that time. His principal area of responsibility was agriculture. The limited publicity given the 19th Plenum by the Vietnamese at the time included reference to a report on agriculture, but it did not indicate who delivered the report. Although Anh had a military background—he was a Vice Minister of Defense in 1957, according to our records—we cannot

establish any tie in 1970-71 to the Vietnamese army or any other POW-related organization that would have enabled him to speak authoritatively on the subject.

Aside from the anomaly of an agriculture specialist speaking on POWs, analysts have the same problem with the numbers in this document that they have with the "1205 Report." Anh claims that 735 "captured American fliers" were held in Hanoi as of the date of the plenum, early 1971. US records indicate that 384 of the 591 POWs released in 1973 were prisoners in early 1971. Four additional POWs, who subsequently died in captivity, were imprisoned at the time. Analysis of the circumstances surrounding the loss of every MIA prior to early 1971 suggests that 82 additional individuals could have survived their downing and been captured. Even if we assume that all did survive and were alive in 1971, the total number of prisoners Hanoi could have been holding at the time could not have exceeded 470 ($384 + 4 + 82$). Finally, analysts noted that the "735 Document" and "1205 Report" are inconsistent with each other by any accounting. To have had 1,205 US pilots in captivity by late 1972, Hanoi would have to have held far more than 735 by early 1971.

We have no idea of where the number 735 came from, or why Anh referred to it in this report. Analysts found it interesting that, in both the Quang and Anh reports, reference is made to opposition within the Party to the leadership's handling of the war, as well as the negotiations with the United States. If these two documents are excerpts from actual speeches, it is possible the speakers exaggerated the figures for political effect.

Conclusions

In summary, we found portions of the "1205 Report" that were unrelated to the POW-MIA issue to be plausible, and we believe it probably is an authentic Soviet document. However, its description of the POW situation in 1972 is replete with errors, omissions, and propaganda that seriously damage its credibility. As additional information becomes available, we will continue to assess the document. But at this point, our bottom line is that the document is not what the Russian GRU claimed it to be and the information suggesting that more than 600 additional POWs existed is not accurate. We cannot dismiss the document as a complete fabrication, but we need more information to understand its origin and meaning. The Dang Tan reports contain much unsubstantiated hearsay, probably embellished, and his estimates of POW numbers are not credible. The "735 Document" is too fragmentary to permit detailed analysis, but the numbers cited are inconsistent with our own accounting.

In our analysis of these documents, we encountered the same problems that we have experienced since the beginning of the conflict in Vietnam: inaccuracies, inconsistencies, exaggerations, and fabrications. The Russians would have experienced the same difficulties. Although the USSR was an ally of Vietnam during the war, it was an uneasy relationship, particularly as Soviet support began to fade during the era of détente. That the GRU continued to collect intelligence on the Vietnamese Politburo,

suggests that Moscow had doubts it was getting accurate information through official liaison channels. We believe there is more information in Russian, and particularly GRU, archives on this issue. There probably also is more information in Vietnamese party and military archives that could shed light on these documents. We continue to pursue information on these issues in both locations.

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PROVIDED BY ONE OF HIS CONTACTS. SOURCE IS PLANNING TO SEND A "PACKAGE" IN TO [REDACTED] TO OBTAIN FINGERPRINTS AND INITIATE COMMUNICATION WITH HIM. SOURCE ALSO PROVIDED THE NAMES OF THREE ALLEGED AMERICAN PRISONERS WHICH THE VIETNAMESE WERE CONSIDERING RELEASING TO GENERAL VESSEY ON THE OCCASION OF HIS VISIT TO HANOI IN AUGUST 1987.
END SUMMARY.

3. (S+NF) INFORMATION: ON 6 JANUARY 1988, SOURCE TELEPHONED JCRC TO ASK ABOUT THE CIRCUMSTANCES OF LOSS OF A MIA NAMED [REDACTED], [REDACTED] [REDACTED] AND SOURCE STATED WAS LOST IN LAOS ON 26 MARCH 1970 IN AN O-1 AIRCRAFT. SOURCE STATED THAT HE NEEDED TO KNOW WHETHER OR NOT JCRC RECORDS HAD ANY INFORMATION ABOUT THE CIRCUMSTANCES OF THE LOSS WHICH WOULD INDICATE THAT [REDACTED] MIGHT HAVE SURVIVED. WHEN ASKED THE REASON FOR HIS INTEREST, SOURCE STATED THAT HE WAS NOT READY TO SHARE ALL THE DETAILS, BUT THAT HE HAD OBTAINED INFORMATION WHICH INDICATED THAT [REDACTED] MIGHT STILL BE ALIVE. HE WENT ON TO EXPLAIN THAT "MY PEOPLE" HAVE BEEN TRACKING [REDACTED] FOR OVER A YEAR NOW, AND MOST RECENTLY THEY OBTAINED HIS IDENTITY CARD. SOURCE SAID THAT THE CARD WAS ISSUED IN 1967, AND THE ID CARD NUMBER IS 6721883. HE ADDED THAT THE CARD IS PARTIALLY DAMAGED BECAUSE OF WATER HAVING SEEPED BENEATH THE PLASTIC, MAKING PARTS OF IT ILLEGIBLE.

4. (S+NF) PRESSED FOR MORE DETAILS, SOURCE STATED THAT "I KNOW WHERE THE GUY IS. THERE WAS ANOTHER GUY IN THE AIRPLANE WITH IM. AFTER THEY WERE ON THE GROUND, ONE GAVE UP TO THE PATHET LAO, THE OTHER D D SOME SHOOTING, TRIED TO RUN AND WAS CHASED. THEY YELLED FOR HIM TO STOP, AND THEN SHOT HIM FROM BEHIND, KILLING HIM." SOURCE STATED THAT UNTIL RECENTLY HE HAD BEEN RECEIVING REPORTS FROM HIS AGENTS WHICH GAVE THE AMERICAN'S NAME PHONETICALLY AS "LAN-LAN" OR "PHAN-LAN", BUT AFTER RECEIVING THE ID CARD HE REALIZED THAT ALL ALONG THEY HAD BEEN REPORTING ABOUT "[REDACTED]".

5. (S+NF) SOURCE STATED THAT HE HAS SENT DIFFERENT PEOPLE TO OBTAIN INFORMATION ON THREE OCCASIONS. THESE AGENTS ALLEGEDLY OBSERVED [REDACTED] FROM 30 TO 50 METERS DISTANCE, ALTHOUGH THEY HAVE NOT BEEN ABLE TO COMMUNICATE WITH HIM. ASKED IF HIS AGENTS HAD PROVIDED A PHYSICAL DESCRIPTION OF THE MAN THEY CLAIMED TO HAVE SEEN, SOURCE STATED THAT THEY ONLY REPORTED THAT HE WAS A "BIG GUY". THEY ALSO REPORTED THAT HE HAS "A LAO WIFE

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AND A COUPLE OF KIDS", AND HE IS KEPT OUT OF SIGHT WHEN
 OUTSIDEPS COME AROUND. SOURCE SAID THAT HIS NEXT STEP
 WILL BE TO TRY TO INITIATE COMMUNICATIONS WITH [REDACTED] TO
 OBTAIN PROOF OF HIS PRESENCE. HE SAID HE IS PLANNING TO
 SEND IN A "SPECIAL PACKAGE" INCLUDING A LETTER TO [REDACTED]
 "EXPLAINING THE SITUATION" AND SOLICITING HIS
 COOPERATION. INCLUDED WITH THE PACKAGE WILL BE A
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6. (S-) ASKED AGAIN FOR THE LOCATION WHERE HE BELIEVED [] TO BE STAYING. SOURCE SAID THAT ACCORDING TO HIS REPORTS, AS OF 5 NOVEMBER, [] HAD BEEN AT A VILLAGE CALLED "BAN BU DUK, 43.2" LOCATED ON A 183 DEGREE HEADING, 27 "MILES" FROM SAM NEUA TOWN (VM 008579) (KHUAPHAN PROVINCE). HE ADDED THAT SINCE THE LAST SIGHTING, [] HAD BEEN MOVED TO A NEW LOCATION "FIVE DAYS" WALK" SOUTHEAST OF "BAN PIENG, NINE TURNS". SOURCE SAID THAT HE COULD NOT LOCATE EITHER VILLAGE IN HIS GAZETTEER OR ON HIS JOG MAPS. HE ALSO ADDED THAT HE BELIEVED THAT HIS AGENTS HAVE RELATIVES LIVING IN BAN PIENG, AND HENCE THEIR ABILITY TO GET IN TO OBTAIN INFORMATION.

7. (S-) SOURCE STATED THAT HIS AGENTS, THROUGH CONTACTS WITH THE LAO AIR FORCE, HAVE GONE INTO THE AREA ON A LAO AIR FORCE HELICOPTER, FOR WHICH SOURCE HAS, INDIRECTLY, HAD TO PAY THE BILLS. ASKED HOW MUCH MONEY HE HAS PAID TO OBTAIN THE INFORMATION HE'S RECEIVED ALREADY, SOURCE WAS EVASIVE STATING ONLY THAT "IT'S A LOT", BUT HE HASN'T HAD A CHANCE TO SIT DOWN AND FIGURE IT OUT YET. ALMOST AS AN AFTERTHOUGHT HE QUICKLY ADDED THAT ALL THE MONEY HE USES HE REPORTS TO THE IRS AND PAYS TAXES ON.

8. (S-) SOURCE ASKED JCRC REP NOT TO REPORT THIS INFORMATION YET BECAUSE HE IS AFRAID IF IT GETS BACK TO WASHINGTON IT WILL BE LEAKED INTO THE WRONG HANDS AND JEOPARDIZE THE MISSION BEFORE HE HAS A CHANCE TO BRING [] OUT. JCRC REP INFORMED SOURCE THAT IF HE HAD []'S IDENTIFICATION CARD, HE SHOULD TURN IT OVER SO THAT IT COULD BE INCLUDED IN HIS CASUALTY RECORDS. SOURCE THEN RESPONDED THAT HE DIDN'T ACTUALLY HAVE THE CARD ITSELF, BUT THAT IT HAD BEEN OBTAINED BY ONE OF HIS PEOPLE "UP-COUNTRY". HE SAID HIS CONTACT HAD ONLY PROVIDED HIM WITH THE INFORMATION OFF THE CARD. ASKED WHAT THAT INFORMATION WAS, SOURCE READ THE FOLLOWING: (FRONT SIDE) "IDENTIFICATION CARD, NOT A PASS, AIR FORCE, ACTIVE, GRADE LIEUTENANT, [], [], 319-0164.

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(BACK SIDE) DATE 21 SEP 43, 200, 6"; BROWN HAIR, BLUE EYES, (SOURCE SAID DETERIORATION OF CARD OBSCURES BLOOD TYPE WHICH WAS REPORTED AS) "EA PJS", A SIGNATURE, DATE: 22 "YIEN" (PARTIALLY OBSCURED) 67, 6721883. (UNQUOTE) JCRC REP ASKED IF IT WOULD BE POSSIBLE FOR HIM TO OBTAIN THE CARD, OR AT LEAST GET A PHOTO COPY OF IT. SOURCE SAID THAT IT MIGHT BE DIFFICULT BECAUSE THE CARD "HAD TO BE RETURNED BEFORE IT IS MISSED", AND HIS CONTACT MIGHT BE RELUCTANT TO TURN THE CARD LOOSE.

9. ~~(CONF)~~ AFTER AGAIN ASKING JCRC REP NOT TO REPORT THE INFORMATION "JUST YET", HE SAID HE WOULD CONTACT JCRC REP IF HE SHOULD OBTAIN ANY FURTHER INFORMATION, GET FEEDBACK FROM [REDACTED], OR IF HE SHOULD COME INTO POSSESSION OF THE IDENTIFICATION CARD. HE STATED THAT HE WOULD BEGIN PLANNING A WAY TO EXTRACT [REDACTED] SHOULD HIS AGENTS BE SUCCESSFUL IN MOVING HIM TO A PICK-UP LOCATION.

10. ~~(CONF)~~ COMMENT: IT APPEARS TO US AS THOUGH SOURCE OR ONE OF HIS AGENTS MAY HAVE COME ACROSS THE [REDACTED] IDENTITY CARD. LINKING THE ID CARD INFORMATION WITH HIS AGENT REPORTS ON A "LAA-LAN" OR "PHAN-LAN" SEEMS TO BE MOSTLY SPECULATION ON SOURCE'S PART. SEVERAL TIMES DURING THE ABOVE TELEPHONE CONVERSATION SOURCE MENTIONED THE LARGE AMOUNTS OF MONEY THE OPERATION HAS COST HIM ALREADY, AND THE EVEN LARGER SUMS WHICH WILL BE REQUIRED IF HE IS TO FOLLOW-UP TO OBTAIN TANGIBLE EVIDENCE OF [REDACTED]'S PRESENCE AND THEN EXECUTE AN EXTRACTION. SOURCE MENTIONED THAT JUST TWO HOURS PRIOR TO THE ABOVE CONVERSATION WITH JCRC REP, HE CALLED EX-CONGRESSMAN [REDACTED] TO DISCUSS HIS LATEST INFORMATION ABOUT [REDACTED], AND MADE AN URGENT PLEA FOR ADDITIONAL UNCS TO FOLLOW-UP ON THE INFORMATION ALREADY RECEIVED. NO COMMENT.

11. ~~(CONF)~~ AFTER PROVIDING THE ABOVE ACCOUNT, SOURCE ASKED JCRC REP IF HE WAS AWARE THAT DURING THE AUGUST VESSEY VISIT TO HANOI, THE VIETNAMESE WERE PREPARED TO TURN OVER SEVEN OR EIGHT LIVE POW'S IF VESSEY "TOLD THEM THAT THEY WANTED TO HEAR". IT TURNED OUT, HE CONTINUED,

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~~SECRET NOFORN~~ SECTION 03 OF 03 LIAISON BANGKOK 00864~~SECRET NOFORN~~ 3010 JAN 88

SUBJ: JCRC RPT T85-01; AMCIT POW HUNTER CLAIMS RECENT THAT VESSEY WAS NOT AS FORTHCOMING AS THEY HAD HOPED, AND SO NO PRISONERS WERE TURNED OVER. SOURCE STATED THAT A HIGH LEVEL SOURCE IN VIENTIANE, A LAO ARMY GENERAL, PROVIDED HIM WITH THE NAMES OF THREE OF THE AMERICANS THE VIETNAMESE WERE PREPARED TO RELEASE. THEY WERE: "██████████████████", "██████████████████" AND "██████████████████". ALL THE PROSPECTIVE RETURNEES WERE ALLEGEDLY HELD IN A LOCATION ON THE LAO SIDE OF THE LAO/VIETNAM BORDER DURING THE TALKS. SOURCE STATED THAT AFTER PROVIDING THE ABOVE INFORMATION, THE LAO GENERAL BROKE CONTACT WITH HIM AFTER HE GOT WRAPPED UP WITH A LARGE NUMBER - OVER 700 - OF LAO AND VIETNAMESE RESISTANCE ELEMENTS WHO CROSSED INTO LAOS FROM THAILAND. ~~SECRET~~

~~SECRET~~

BT

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JCRC LIAISON BANGKOK TH

~~SECRET NOFORN~~



February 3, 1994

ACCOUNTING FOR OUR VIETNAM POW/MIAs

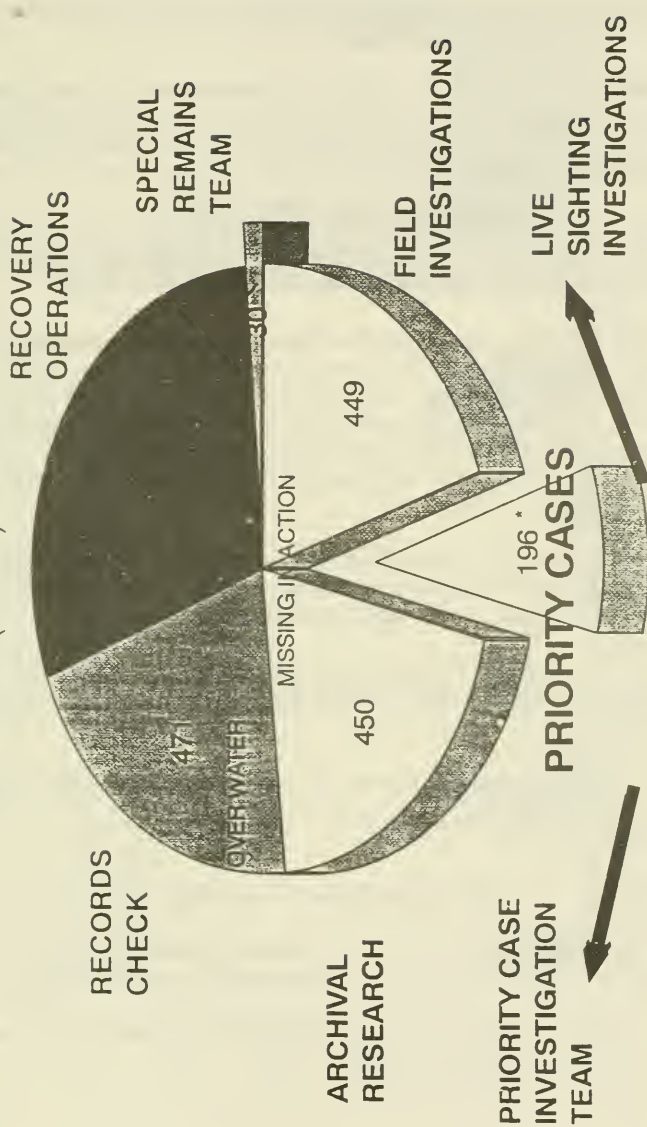
On July 2, 1993, President Clinton stated that further steps in U.S. - Vietnam relations would be based on "tangible progress" towards the fullest possible accounting. The President set out four key areas in which we seek progress:

- ▶ Concrete results from efforts by Vietnam to recover and repatriate American remains.
- ▶ Continued resolution of 92 discrepancy cases, live sightings, and field activities.
- ▶ Further assistance in implementing trilateral investigation with the Lao.
- ▶ Accelerated efforts to provide all POW/MIA related documents that will help lead to genuine answers.

Attached is a summary of progress to date.

COMPREHENSIVE EFFORTS TOWARD FULLEST POSSIBLE ACCOUNTING

(2238)



* (INCLUDES 23 ACCOUNTED FOR)

REMAINS: President's Criterion: Concrete results from efforts by Vietnam to recover and repatriate American remains.

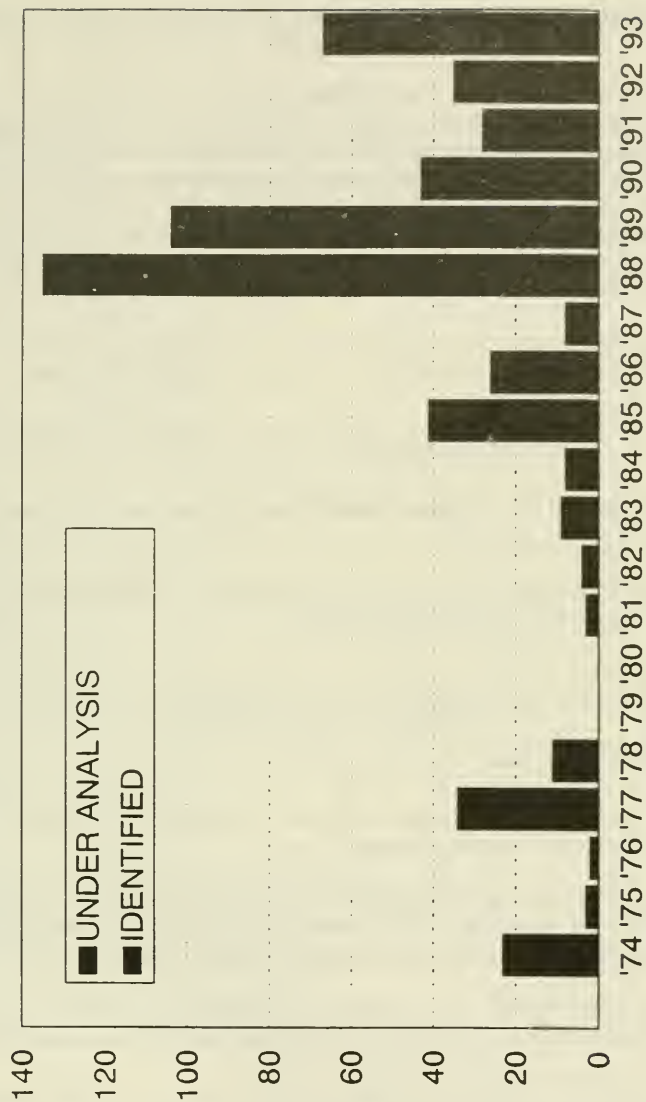
SINCE THE PRESIDENT'S CALL, 39 REMAINS HAVE BEEN REPATRIATED, BRINGING THE TOTAL REPATRIATED IN 1993 TO 67. THIS IS MORE THAN TWICE THE NUMBER REPATRIATED IN 1992 AND THE THIRD HIGHEST NUMBER FOR A SINGLE YEAR SINCE THE END OF THE WAR.

- **JULY 1993:** In direct response to our request, the Vietnamese expanded their efforts in accounting by establishing an office to that objective in Ho Chi Minh City (Saigon) to cover better accounting operations in the South.
- **AUGUST 1993:** As a result of information gained from photographs, documents, and interviews provided by the Vietnamese, we were able to present the SRV with a list of 84 cases in which the U.S. believed Vietnamese at one time had custody of American remains. Vietnam pledged its assistance. Hanoi stepped up publicity of its remains amnesty program, including a promise of payment for valid remains. JTF-FA and Hanoi formed Special Research Team to conduct field investigations to attempt recovery of these remains in 84 cases.
- **OCTOBER 1993:** Special Remains Team traveled to U Minh Forest in southern Vietnam to search for remains. Vietnamese located witnesses who pointed out grave sites; 7 excavations are scheduled for the upcoming dry season.
- **JANUARY 1994:** Three sets of remains returned in 1993 identified; 8 in final identification stage; 25 more recommended for identification; balance still under analysis.
- As a result of joint field activities, there are 80 sites remaining to be excavated.

Previous Progress:

- **1974-83:** Vietnamese returned 87 sets of identifiable U.S. remains.
- **1985-86:** In conjunction with ASD Armitage's efforts to encourage an increase in unilateral repatriation of remains, Hanoi returned 57 sets of identifiable remains.
- **1987-90:** Vessey initiative sparked increased repatriations, 122 remains identified, with a high of 62 identified in 1988.

VIETNAM: U.S. REMAINS RETURNED AFTER '73



DISCREPANCY CASES: President's Criterion: Continued resolution of 92 discrepancy cases, live sightings, and field activities.

AFTER JULY 2, 1993, THE PRIORITY CASE INVESTIGATION TEAM (PCIT) FOCUSED ON JOINT U.S.-SRV INVESTIGATIONS OF 92 REMAINING PRIORITY LAST-KNOWN-ALIVE DISCREPANCY CASES. BETWEEN JULY 93 AND JANUARY 94 INFORMATION PROVIDED BY THE PCIT PROCESS ENABLED DOD TO CONFIRM THE DEATH OF 19 INDIVIDUALS. AS OF JANUARY 1994, WE HAVE CONFIRMED THE DEATH OF 123 OF THE ORIGINAL 196 INDIVIDUALS ASSOCIATED WITH PRIORITY LAST-KNOWN-ALIVE DISCREPANCY CASES.

- APRIL 1993: Based on results of joint investigations and archival research, confirmed fate of 43 individuals, bringing number of priority discrepancy cases down to 92.
- JUNE 1993: JTF-FA formed Priority Case Investigation Team (PCIT) to provide quick follow-up of leads throughout Vietnam.
- AUGUST 1993: Vietnam facilitated rapid follow-up of live sighting investigations based on refugee reports.
- SEPTEMBER 1993: PCIT reports enabled DoD to determine fate of 12 individuals, bringing original 196 total down to 80.
- JANUARY 1994: Continued investigations by PCIT resulted in additional confirmation of death on 7 individuals, bringing total priority cases down to 73.

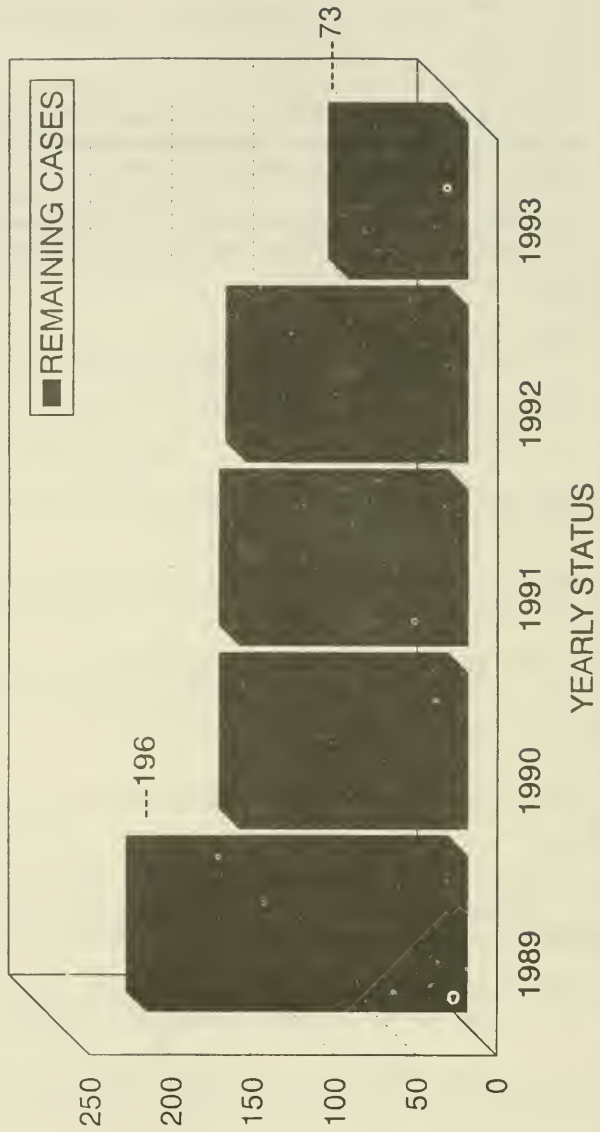
Previous Progress:

- AUGUST 1987: General Vessey gets Vietnamese agreement to investigate cases that illuminate the live prisoner issue.
- SEPTEMBER 1988-MAY 1990: Ten iterations of joint investigations in Vietnam completed. Cooperation slowly increased. Number of U.S. personnel permitted in country per round doubled, and number of cases investigated per round more than tripled.
- JULY 1990: Based on results of joint investigations and remains repatriations, fate was confirmed on 57 of the total 196 individuals involved in priority cases.
- AUGUST 1990-DECEMBER 1991: Iterations 11-15 of joint investigations completed; results in determination of fate for four priority cases, bringing total down to 135

- **NOVEMBER 1991:** Vietnam permitted first in-country live sighting investigation.
- **JANUARY 1992:** JTF-FA established.
- **FEBRUARY 1992-MARCH 1993:** Iterations 16-22 completed; by 22nd Iteration, teams had again doubled in size. Vietnamese cooperation continued to increase in terms of access, frequency and scope of our investigations.
- **MARCH 1992:** Vietnam agreed to expand live sighting investigations and permit short notice visits. To date, the U.S. has conducted 78. None of these investigations produced evidence of a live POW.

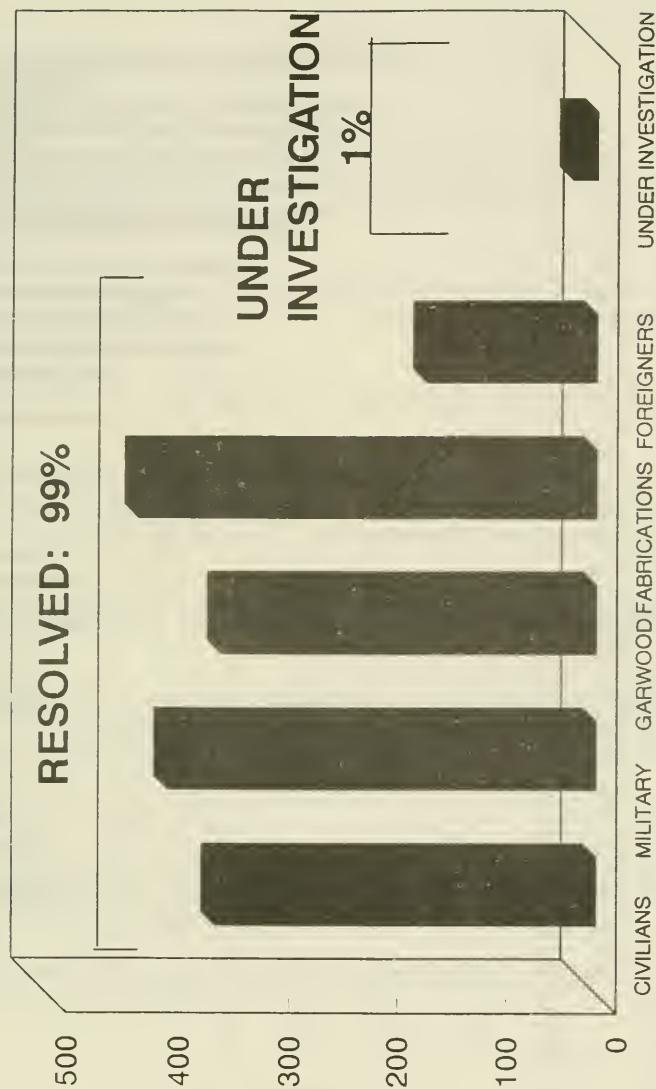
VIETNAM PRIORITY DISCREPANCY CASES

196 PRIORITY CASES

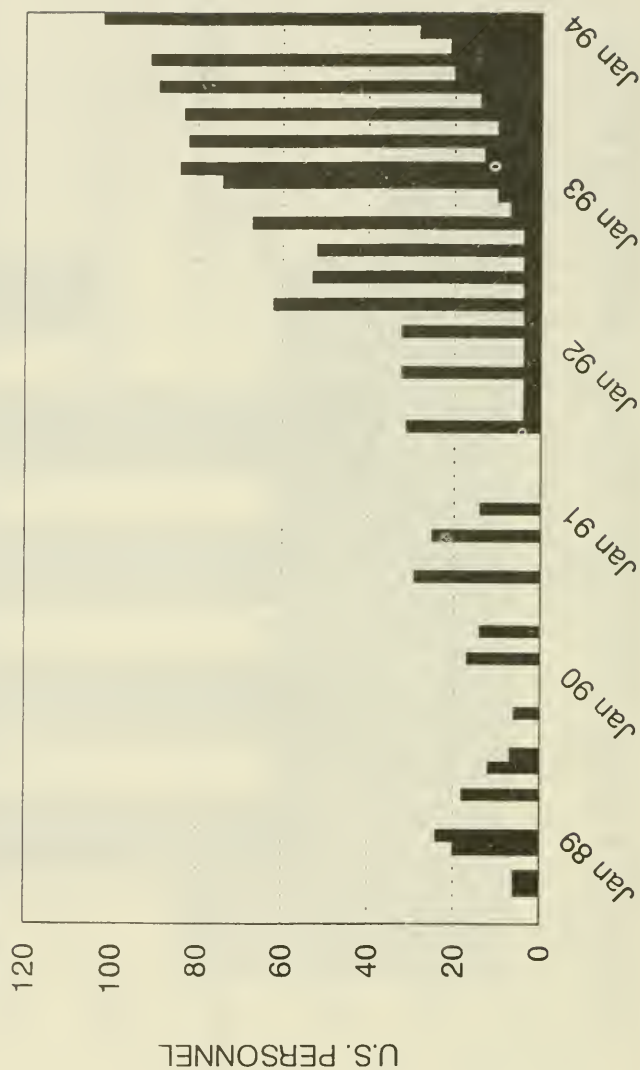


FIRSTHAND SIGHTING REPORTS

(1963-1994)



PERSONNEL DEDICATED TO POW/MIA ACCOUNTING IN VIETNAM PERMANENT PERSONNEL AND FIELD OPERATORS



TRILATERAL INVESTIGATIONS: President's Criterion: Further assistance in implementing trilateral investigation with the Lao.

IN DECEMBER, 1993 WE COMPLETED THE FIRST EVER TRILATERAL INVESTIGATION OF 14 BORDER CASES INVOLVING 39 INDIVIDUALS. CONTINUED TRILATERAL COOPERATION WITH VIETNAM AND LAOS IS KEY TO RESOLVING THESE BORDER CASES WHERE THE VAST MAJORITY OF OUR LOSSES IN LAOS OCCURRED.

- **MAY 1993:** Vietnamese agreed to consider simultaneous joint activity in Vietnam and Laos. Also provided summary of interviews with 21 senior PAVN officers who served in Laos.
- **AUGUST 1993:** U.S., Lao, and Vietnamese officials agreed on mechanism for trilateral cooperation.
- **SEPTEMBER 1993:** Vietnam provided record of aircraft shot down by Group 559, the Vietnamese military organization responsible for actions along the Ho Chi Minh Trail in Laos. Record contained information on 111 cases involving 217 unaccounted-for Americans.
- **NOVEMBER 1993:** JTF-FA, Vietnamese, and Lao conducted trilateral preparation meetings in Hanoi.
- **DECEMBER 3-20, 1993:** Trilateral investigation of 14 border cases involving 39 individuals. JTF-FA indicated exceptional Vietnamese cooperation; however, adverse weather severely hampered progress.

Previous Progress:

- **OCTOBER 1989:** General Vessey identified a group of Vietnam - Laos border cases. He proposed to the Vietnamese that the U.S., Vietnam, and Laos conduct trilateral investigations in order to resolve these cases.
- **DECEMBER 1991:** Vietnamese attended trilateral meeting in Laos and agreed to provide information on cases.



ARCHIVES: President's Criterion: Accelerated efforts to provide all POW/MIA related documents that will help lead to genuine answers.

AFTER PRESIDENT'S JULY 2, 1993, CALL FOR PROGRESS, THE VIETNAMESE HAVE GIVEN US ACCESS TO ESPECIALLY IMPORTANT WARTIME POLITICAL AND MILITARY DOCUMENTS DIRECTLY RELATED TO POWS AND COMBAT INCIDENTS THAT COULD PROVIDE LEADS TO THE LOCATION OF REMAINS OF MIAS. TO DATE, MORE THAN 25,000 DOCUMENTS, ARTIFACTS, AND PHOTOGRAPHS RELATED TO U.S. POW/MIAS HAVE NOW BEEN EXAMINED WITH OVER 600 ITEMS CORRELATING TO MISSING SERVICEMEN.

- ▶ **APRIL 1993:** To General Vessey: 7 records of U.S. graves with sketch maps; rosters of Americans captured in southern Vietnam and in northern Vietnam; list of Americans who died in captivity in southern Vietnam.
- ▶ **MAY/JUNE 1993:** Opening of Joint Document Center in Hanoi. Senator Kerry and document center provided with multiple documents, including statistical summaries, battle sketches and summaries, and POW medical records. Began survey of 319 wartime films from Vietnamese archives.
- ▶ **JULY 1993:** 15 documents, including: 8 battle sketches; 2 shootdown records; 4 sketches of air defense engagements; record of U.S. aircraft shot down in Military Region 3.
- ▶ **AUGUST 1993:** 12 documents including burial documents and battle sketches of air defense engagements in Military Region 2.
- ▶ **SEPTEMBER 1993:** 6 documents related to Group 559 activities on Ho Chi Minh Trail, including comprehensive 58-page air defense record of aircraft reportedly shot down. Collection of 548 documents from Group 875, the POW camp administration group.
- ▶ **DECEMBER 1993:** Three groups of multiple documents, including responses to queries on 84 remains cases; unilateral Vietnamese case investigation reports; list of American personnel who were killed in Vietnam but whose remains were not recoverable.
- ▶ **JANUARY 1994:** Personal war diary of former PAVN air defense battalion commander.

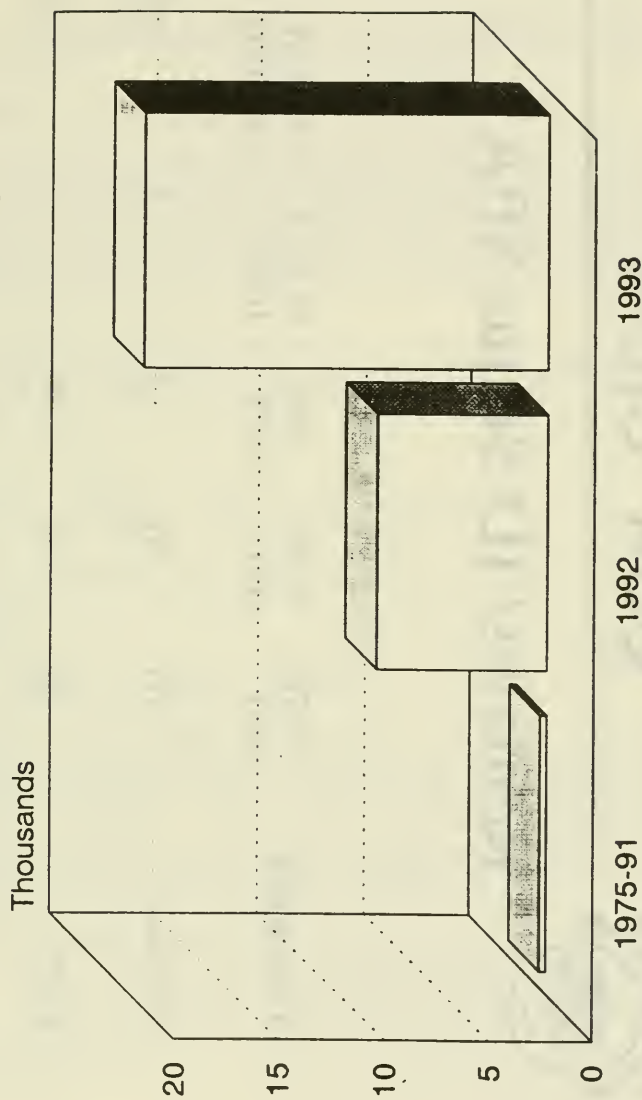
Previous Progress:

- **MAY 1991:** U.S. researchers began coordination in Central Army Museum in Hanoi for longterm exploitation of Vietnamese records and artifacts. This marked the beginning of a systematic and extensive program to review Vietnamese archives, resulting in eventual examination of over 25,000 items related to U.S. POW/MIAs.
 - **FEBRUARY 1992:** Given to General Vessey: summary shutdown record of U. S. aircraft in Military Region 4.
 - **NOVEMBER 1992:** To Senator Kerry: six documents, including 1 province list of pilots captured and killed, 3 shutdown records, and 2 graves registers. Archival Research Team in Hanoi began work at Hanoi's Central Army Museum.
 - **DECEMBER 1992:** To Senator Kerry: 6 shutdown records; 3 graves registers; 1 book; miscellaneous photos, etc.
-

ADDITIONAL POINTS: In addition to results in the President's four key areas, there have been other aspects in which Vietnam has assisted POW/MIA accounting:

- **JULY 1991:** U.S. POW Office established in Hanoi. Initially Vietnam limited the staff to four Americans. By January 1994, the staff had been permitted to expand to 19 permanent personnel, some of whom frequently travel or work throughout the country.
- **JANUARY 1992:** Joint Task Force—Full Accounting established to conduct expanded joint operations in Southeast Asia.
- **MAY 1993:** Vietnam instituted oral history program, agreeing to facilitate interviews of 83 persons identified by U.S. By January 1994, 70 interviews completed, resulting in information on 20 unresolved cases.
- **JULY 1993:** Defense Prisoner of War/Missing in Action Office established consolidating the DIA Special Office on POW/MIAs, the Central Documentation Office, the U.S. Army's Task Force Russia, and the Office of the Secretary of Defense for POW/MIA Affairs.

Artifacts, Photos, and Documents Collected 1975-1993



TOTAL ITEMS = 30,255



USA CILHI

Remains/ ID Status SEA

COUNTRY	73-92 RET	73-92 ID'D	1993 RET	93 RET ID'D	TOTAL 93 ID'D
Vietnam	517	278	67	3	10
Laos	69	53	28	3	12
Cambodia	24	1	5	2	3
China	2	2	0	0	0

JTF-FA FIELD PERSONNEL QUALIFICATION STANDARDS

1. Purpose: To describe the qualifications of personnel in the Joint Task Force-Full Accounting (JTF-FA) investigation/reporting chain of command.

2. DISCUSSION.

A. The Commander Joint Task force-Full Accounting has the responsibility to ensure the efficient operation of four forward deployed detachments (det) and a headquarters (HQ) staff. At the detachment level, local commanders are responsible for leading a variety of field activities designed to achieve full accounting within the host country. To assist the Det Commander to conduct research and field activities, JTF-FA has assigned specialists with language and/or analytical skills.

B. Commander, Joint Task-Force-Full Accounting. Experienced combat arms officer who served four years in Vietnam, including one assignment as a battalion intelligence officer. He is not language qualified.

C. Det 2, Hanoi.

(1) Commander. Experienced infantry officer with six week Vietnamese language familiarization training.

(2) Casualty Resolution Supervisor. Fluent in Vietnamese; extensive experience with the POW/MIA issue in Vietnam.

(3) Oral History Program (OHP). Team chief is Casualty Resolution Supervisor. Team includes one-two HQ JTF-FA Vietnamese language-qualified noncommissioned officers.

(4) Archival Research Team (ART). Permanent program manager is the detachment's research/historian, formerly the senior Defense Intelligence Agency POW/MIA intelligence analyst. He is fluent in Vietnamese, with extensive experience with the POW/MIA issue in Vietnam. Team chiefs are warrant officers with extensive experience, but not Vietnamese language qualified. Team also includes two language-qualified noncommissioned officers and an intelligence analyst noncommissioned officer.

(5) Special Remains Team (SRT). This program is also managed by Research/Historian. Team chiefs are warrant officers who are intelligence specialists with extensive experience, but who are not Vietnamese language-qualified. Team also includes one Vietnamese language qualified noncommissioned officer and a graves registration specialist.

(6) Priority Case Investigation Team (PCIT). Team chiefs are warrant officers or noncommissioned officers who are intelligence specialists with extensive experience. Team chiefs and the assistant chief (an Intelligence Agency investigator) are fluent in Vietnamese and have extensive experience with the POW/MIA issue in Vietnam.

(7) Field Team Leaders. Most are experienced combat arms officers; some are noncommissioned officers who are intelligence specialists and Vietnamese linguists with proven leadership ability. Officer team leaders are not language-qualified, but both they and the noncommissioned officer team leaders are supported by a trained linguist throughout the deployment. During an average joint field activity, each investigation element has 3 experienced linguists per 10 members, while each recovery element has 2 linguists per 13 members. Some of the linguists are American servicemembers of Vietnamese descent.

(8) The permanently assigned Supply Management Representative, an American of Vietnamese descent and fluent in Vietnamese, conducts all logistical coordination with Vietnamese agencies to support detachment operations, thus freeing the trained interviewers to concentrate on research.

C. Det 3, Vientiane.

(1) Commander. Experienced infantry officer with six weeks of Lao language familiarization.

(2) Casualty Resolution Specialist. Fluent in Lao and has extensive experience with the POW/MIA issue in Laos.

(3) Analyst/Linguist. One staff member permanently assigned to detachment is experienced Lao linguist.

(4) Lao Archival Research Team (ART). Team chief is a warrant officer who is an intelligence specialist with extensive intelligence experience, but is not Lao language qualified. Team also includes one Lao language qualified noncommissioned officer analyst.

(5) Field Team Leaders. All are experienced combat arms officers. None are Lao language qualified, but all are supported by a trained linguist throughout the deployment. During joint field activities, one linguist per team (three total) deploy to support operations; of the three, the Lao permit up to two American servicemembers of Lao descent.

D. Det 4, Phnom Penh.

(1) Commander. Experienced pilot with six week Khmer language familiarization training and former assistant Air Attaché to the Republic of the Philippines.

(2) Analyst/Linguist. One staff member permanently assigned to detachment is experienced Khmer linguist.

(3) Cambodian Archival Research Team (ART). When team deploys in the future, team chief will be a senior noncommissioned officer with more than 20 years interrogator experience; but not Khmer language qualified. Team also will include one Khmer language-qualified noncommissioned officer, with two years field team experience in Cambodia.

(4) Field Team Leader. Is an experienced combat arms officer. He is not Khmer language qualified, but is supported by a trained linguist throughout the deployment. During joint field activities, three linguists deploy to support operations; one is an American servicemember of Cambodian descent.

3. Conclusion. Detachment commanders and Joint Field Activity (JFA) team leaders, through their backgrounds as field commanders, provide leadership; they are highly experienced in coordinating diverse activities to achieve the mission. The physical and mental challenges these leaders face are similar to the demands placed on them in training exercises or combat. They have demonstrated their ability to manage specialists doing field work, judge their effectiveness, and adjust operations accordingly. Research team chiefs all have extensive related professional backgrounds.

ANALYSIS OF INFORMATION ON THE LOSS OF EC-47Q BARON 52LOSS INCIDENT

The EC-47Q, call sign Baron 52, and its eight crew members were lost over Laos on 5 February 1973. Four days later a search team inspected the wreckage and located the remains of four crew members. Two of the remains were in the pilot and copilot positions. The third was in the engineer's compartment, and the team was able to recover a portion of this body, which was identified as the other copilot. The fourth body was near the engineers's compartment. Normally in this type of aircraft there are two positions immediately behind the engineer's compartment. One of these two positions would have been occupied by Staff Sergeant Todd M. Melton and the other by either Sergeant Joseph A. Matejov or Staff Sergeant Peter R. Cressman. Due to physical and time constraints and hostile forces in the area, the team was not able to lift the fuselage to search for additional remains.

The search team also found what appeared to be anti-aircraft artillery shrapnel holes in parts of the wreckage. They found no evidence that the crew was preparing to bailout when the plane crashed; and it did not appear that the aircraft attempted a controlled crash landing. The disposition of the wreckage and other features of the crash site (e.g. absence of skid marks) indicated the aircraft had plunged nearly vertically to earth, bounced once, landed upside down and burned.

Although operating outside the range of ground radar stations during most of its mission, Baron 52 had frequent radio contact with other aircraft in the area. For example, the commander made routine half hourly contacts with, and reported all unusual occurrences to, Moon Beam Airborne Command and Control Center, and also had radio contact with Spectre 20, an AC-130 gunship working in the same area. The electronic warfare crew members also used separate communications equipment to maintain contact with another EC-47, Baron 62, flying in the same general area. The last reported position of Baron 52 was about 8-10 minutes flying time from the crash site.

COMMANDER'S DETERMINATION

Following a review of the facts associated with the crash, the Commander, 8th Tactical Fighter Wing, in coordination with the Commander, 56th Special Operations Wing, recommended that the status of the crew members be changed to Killed-in-Action. The next of kin were informed of the status change and the facts supporting the decision in a series of letters dated between 24 February and 17 April 1973, which summarized the events of Baron 52's last mission and the evidence obtained by the search team. The commander added that in view of the capabilities of the radio communications equipment, Baron 52's frequent contacts with other

aircraft, and the intensive training of the crew, in case of an emergency at least one of the crew would have instinctively used the radios unless the aircraft crashed as a result of some catastrophic incident that immediately and completely incapacitated the crew members. Having reviewed the available facts, the field commanders reported that they believed "there was no reasonable doubt that all members of the crew of Baron 52 were killed in the crash.

INTELLIGENCE REPORTS

Although the observations of the search team and other facts constituted what the field commander believed to be compelling evidence that none of the crew members survived, four sensitive intelligence reports, portions of which were declassified for release to the next of kin, led others to speculate that the four electronics specialists could have survived. Two of the documents were dated 5 February 1973, another 17 February 1973, and the fourth 2 May 1973. Through a longstanding misinterpretation of these sanitized documents an erroneous impression of survivors was preserved. In fact, the four reports do not relate to the loss of the EC-47Q.

- The initial 5 February report originated in the area of Vinh, North Vietnam, over 240 miles by road north of the EC-47Q crashsite. In that report, which was issued as an unevaluated spot report as soon as the information was acquired, a North Vietnamese unit near Vinh is said to be holding four prisoners who are not further identified.

- The later 5 February report, based on and issued after a review of the information in the earlier 5 February report, provides no additional insights into the origin or identity of the prisoners.

- The 17 February document is a report by an enemy unit of the alleged downing of an aircraft in the area immediately south of the Demilitarized Zone which separated North and South Vietnam, and as such does not relate to the EC-47Q or its crew.

- The 2 May report is yet another analyst's interpretation of the 5 February reporting and is neither new information nor a new report. DIA's review of the evidence shows that the analyst who prepared the 2 May report made a number of arbitrary and erroneous assumptions and speculative assertions in an attempt to infer that the 5 February information originated from a location much closer to the EC-47Q crashsite and that some of the crew survived. The 2 May report therefore actually provides no more conclusive information than the original 5 February report did;

however, the unwarranted personal speculation tends to draw attention away from this fact.

CONCLUSION

In conclusion, it should be emphasized that the four documents cited above were never conclusively correlated to crew members of Baron 52. The documents initially were entered into the files of the crew members only because the information was acquired shortly after Baron 52 became missing, and it was anticipated that future reporting might permit DIA analysts to make a definitive correlation to the Baron 52 incident. No such reporting was ever received. It is further emphasized that following the loss of Baron 52 none of its was ever seen alive, and there is no intelligence whatsoever which would indicate any of the crew survived the incident of loss.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-2400

MEMORANDUM FOR HEADQUARTERS, AIR FORCE MILITARY PERSONNEL CENTER
(ATTENTION: MR. GEORGE ATKINSON)

SUBJECT: Request for Analysis of Information Correlated to
Colonel David Hrdlicka

Reference: Phonccn btwn Mrs. Carol Hrdlicka (PNOK of Col
David Hrdlicka) and LTC Jim Caswell of 24 Jun 93.

During referenced telephone conversation, Mrs. Hrdlicka raised three questions/concerns, and requested an impartial review of available information. In particular, Mrs. Hrdlicka would like the following addressed:

1. Col Hrdlicka's assessed date of death.
2. Evidence of Col Hrdlicka's survival in the former Soviet Union.
3. Basis for statement in October 1992 edition of the POW-MIA Factbook regarding Col Hrdlicka's death while in captivity.

Since Col Hrdlicka's loss incident on 13 May 1965, this office has received a large volume of reporting from a number of sources which suggests that he survived the downing of his F-105 aircraft, was apprehended, and held captive by Pathet Lao forces near Vieng Xai, Houa Phan Province, Laos. On 24 May 1965, Pathet Lao officials released a statement acknowledging the capture of Col Hrdlicka; a photograph of Col Hrdlicka under armed escort appeared in the 22 July 1965 edition of a Vietnamese magazine. In 1966, Pathet Lao Radio broadcast portions of a letter allegedly written by Col Hrdlicka to Prince Souphanouvong. On 18 May 1967, Mr. Phoumi Vongvichit, Secretary General of the Lao Patriotic Front, confirmed Col Hrdlicka's capture in a telegram to Canadian Minister of External Affairs. Two reports suggest that an unidentified American pilot was transported from the Vieng Xai area of Laos to Vietnam. One of these reports (TDCS-314/04249-66 of 29 March 1966) which was previously believed to be associated with Col Hrdlicka can no longer be correlated to him because Col Hrdlicka was known to be alive in the Vieng Xai area well after the source claimed he was transported to Vietnam. The second report does not provide a date of information, but it had to be prior to 5 January 1969, the date of the report. This report states that two American pilots (one elderly and one young) were moved to Hanoi because they were considered incorrigible. Available information suggests Col Hrdlicka was not considered incorrigible. It should also be noted that no Americans held in the Vieng Xai area were ever seen by American POWs who returned from Vietnam. In late 1989, this office

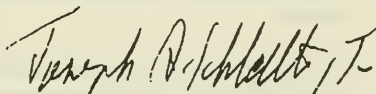
obtained hearsay information regarding an alleged escape attempt by Col Hrdlicka, and his subsequent recapture and movement to one of two areas, Vinh Province, Vietnam or the tri-border area between Vietnam, Laos, and Cambodia. Follow-up collection activity determined that a well-known fabricator/self-proclaimed resistance leader was behind this reporting. During a subsequent interview, this individual admitted that he did not believe the information reported.

This office has received several reports which suggest that American pilots being held in the Vieng Xai area died in captivity. Two reports, TDCS-314/04155-68 of 12 March 1968, and JCRC LIAISON message 160230Z April 1991, respectively identified the deceased pilot as Davis/Davit or David and David K. Causes of alleged death range from stomach disorders to malaria, fever, and gunshot wounds. Dates of alleged death range from July 1965 to 1968; the 1968 date was provided by a Lao official during a 1982 League of Families trip to Vieng Xai. This Lao official's reporting, however, is questionable as he alleges that both Shelton and Hrdlicka died of natural causes in 1968, and that their graves both sustained direct hits by American bombs. Additionally, the individual who reportedly buried the two pilots (and should be able to identify the grave site) was allegedly killed during the war. It should be noted that this office has identified and spoken to two firsthand witnesses and several hearsay witnesses to the alleged burial of an American pilot during the 1965-1968 time frame. The witness interviewed in the above referenced JCRC message claims to have personally cared for "David K" for approximately eight months and was with the prisoner when he died during the rainy season of 1967, "around October". The information provided by these sources has been pursued but no further details have been developed. Efforts are still being made to interview an individual in Vientiane Province who claims to know where an American pilot was buried near Vieng Xai. Several of the reports of death once correlated to Col Hrdlicka are now known not to correlate to him because they contain dates of death prior to his last known alive date. This confusion regarding date and cause of death is most likely due to the fact that at least one other American, Col Shelton, was known to have been captured and held in the caves of Vieng Xai at approximately the same time as Col Hrdlicka. Other alleged Americans were also reported to have been held in the Vieng Xai area as well, but this office has not been able to identify any other specific individuals. Concerning cause of death, while it is not certain (all but one of the reports of Col Hrdlicka's death are hearsay), it is believed that Col Hrdlicka died in 1968 from malaria, some unidentified fever, or dietary complications exacerbated by the lack of food and medicine in the area. This conclusion is based on three factors: First, from available reporting, we do not believe Col Hrdlicka was incorrigible, reducing the likelihood of his being shot. Second, live sightings of American pilots being held in the caves of Vieng Xai are virtually non-existent after 1967. And finally, the Vieng Xai area was subjected to an extensive bombing campaign in 1968

which severely reduced food and medical supplies. It should also be noted that Mr. Vongvichit, the Lao official who acknowledged Col Hrdlicka's captivity in May of 1967, stated on 10 May 1973 that the Pathet Lao were holding no additional U.S. POWs. Mr. Vongvichit also agreed to gather information regarding Col Hrdlicka's fate and respond to American authorities at a later date. This office has no record of Mr. Vongvichit providing the requested information. U.S. representatives have taken every opportunity throughout the years to obtain additional data relative the status of Col Hrdlicka, and Mr. Vongvichit has been included on the list of Lao officials to be interviewed as part of an oral history project currently being developed (the Lao Government has not yet approved). As an aside, it should be noted that Mr. Vongvichit's statement regarding no additional Americans in captivity was made three days after American citizen Emmet Kay's Pilatus Porter was shot down over northern Laos. Mr. Kay was returned to U.S. custody on 18 September 1974. On 21 November 1977, Col Hrdlicka's status was administratively changed from detained to killed in action.

With regard to a possible Soviet/Russian connection, this office has received no evidence/reporting of Col Hrdlicka being transported out of Southeast Asia. The first suggestion of a Russian connection occurred in 1993 when Mrs. Hrdlicka announced her intent to question Major General Aleksander Kandaurov, Director of the Center for Public Information of the Ministry of Security. During a follow-up interview with the General, Task Force Russia interviewers were told that he had never seen Col Hrdlicka's name on any list, and is not sure how Mrs. Hrdlicka got the impression that he had. General Kandaurov's best guess is that he told Mrs. Hrdlicka that the Joint Commission was most likely aware of her husband's case and that his name was on a list, probably the list of unaccounted for Americans which was provided to the Russian side of the Joint Commission last year.

Mrs. Hrdlicka's concerns regarding statements made in the 92 edition of the POW-MIA Factbook will be addressed during next revision of the Factbook.



Joseph A. Schlatter, Jr.
Colonel, USA
Acting Deputy Director
POW/MIA Office

Statement by Karen Miller
 Cousin - Major Donald Gene "Butch" Carr
 February 10, 1994
 House of Representatives
 Foreign Relations Committee

I am a first cousin to Major Donald Gene Butch Carr and have been actively pursuing answers to this case for several years. However, I find it difficult to draw accurate conclusions because I am forced to deal with inaccurate information.

For example, according to Army records, Butch went missing July 6, 1971, while serving as an observer on an OV10. The plane was piloted by Lt. Dan Thomas, United States Air Force. According to the after action reports, the last radio contact was made at 1530 hours, and indicated inclement weather. That was the last anyone heard from Lt. Thomas and Butch. Again according to the after action reports, there were no witnesses to what happened; however, ground teams reported hearing a loud explosion shortly after 1530 on July 6th, 1971. The Air Force listed Lt. Thomas as Missing in Action. The Army first listed Butch as Missing because, according to documents contained in Butch's file, "... there is no indication that [then] Captain Carr was over hostile territory." Gentlemen, Butch was operating in Laos.

Eventually, the Army listed Butch as Missing in Action stating that there was no indication of what happened to the OV10, Lt. Thomas and Captain Carr.

For 20 years we have searched for answers but none were forthcoming. Then, in the summer of 1991, because of a photograph brought out by Col. Jack Bailey of a man purported to be Donald Carr, we have been able, little by little, to piece together possibilities of what happened on that July day in 1971.

As many of you know, the photo is now said to be of a German, and not of Donald Carr. At this point, whether the photo is of the German or Butch is irrelevant. What is relevant is that our Government is now in the process of trying to locate Butch's crash site. Unfortunately, a search of the area thought to be the crash site revealed nothing. It appeared that the Carr case was at a standstill.

That is until two weeks ago when a retired Air Force Lt. Col. provided me with information about Butch's disappearance that has not been made available to the family and apparently not to DIA. The truth about the mission seems to be that Butch was on an extraction mission, not a recon mission - that Thomas and Carr were not alone, but rather were accompanied by two helicopters, who saw the OV10 go through a "sucker hole", - that the mission was in hostile territory, and - that the coordinates listed in the file may not be accurate.

Think of it, Gentlemen. Not only has our family been provided with inaccurate information, but the one agency tasked with locating crash sites also may have spent many, many months following blind leads - leads provided not by crazed activists or "scam artists" but leads provided by the United States Army. The sad part of this is that somewhere in our Government are reports that

could have saved all of us time, trouble, and heartache. It is unfortunate that not only do we have a lack of communication between our Government and family members, but between agencies within our government.

The Carr case, nor any other case, cannot be resolved when correct information is not forthcoming and makes me question how accurate reports of crash site findings can be. Do you wonder why family members do not believe findings presented by various agencies?

Gentlemen, now our Government has seen fit to lift the Trade Embargo, hiding under the veil of not releasing accurate information for security reasons is ludicrous.

Thank you.

Freedom Foundation, Inc.
 2857 Pond Road Ronkonkoma, N.Y. 11779-3354
 Telephone & Fax # (516)-467-4236
 A Non-Profit Educational Organization
 (Under IRS Code (501)-(C)-(3) of 1954)

Statement of Record

February 10, 1994

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House Subcommittee on Asian Pacific Affairs

By Dan DeMauro, President Freedom Foundation, Inc.

On February 3, 1994, President William J. Clinton lifted the U.S. trade embargo against the totalitarian dictators, kidnapers and blackmailers of the Socialist Republic of Vietnam. Thereby, relinquishing the only leverage the U.S. had to assure:

- ☐ 1.) A full accounting of living American POWs and dead MIAs, held hostage after the end of the Vietnam War.
- ☐ 2.) End, despicable and persistent human rights violations in communist Vietnam. Which just happens to be, the real reason why American servicemen fought in Vietnam in the first place. Thereby wasting, actually sacrificing the lives of 58,000 American servicemen needlessly.

Over the last twenty-one years, a preponderant amount of credible evidence has been uncovered confirming two things:

- ☐ 1.) A large number of American POWs were retained by the communist enemy after the end of the Vietnam War.
- ☐ 2.) A number of American POWs survived in communist captivity, despite the rhetoric and disingenuous statements of both the United States Government and the Socialist Republic of Vietnam.

The following brief tells the harsh reality about the kidnaping, abandonment, betrayal, cover-up and possible execution of some American prisoners of war/missing in action in Vietnam.

After the Paris Peace Accords were signed, January 27, 1973 (officially ending the Vietnam War), the North Vietnamese submitted only a partial or incomplete list of American prisoners that the North Vietnamese and Viet Cong would initially release and return. A large number of Americans, military and

civilian, prisoners of war/missing in action, were held hostage in Vietnam, Cambodia and Laos. They were held as human collateral to insure the payment of \$4.5 billion that the communist Vietnamese demanded and attempted to extort from the Nixon administration. No one in the Nixon administration wanted to leave American POWs behind so, President Richard M. Nixon signed and sent a secret letter of agreement dated February 1, 1973, to the North Vietnamese Prime Minister Pham Van Dong, pledging "\$3.25 billion of grant aid over five years" plus "1 to 1.5 billion dollars" in food and other commodity needs to North Vietnam "without any political conditions." Under the Constitution of the United States of America, only Congress has the power to grant that much aid. President Nixon was already in political jeopardy because of the Watergate scandal so, Nixon, Kissinger and associates pushed through a faulty peace agreement and failed to inform Congress of:

- 1.) President Nixon's secret letter of agreement.
- 2.) The remaining American prisoners, held hostage in Vietnam, Cambodia and Laos.

Not knowing of President Nixon's secret letter of agreement or of the remaining American hostages, on April 5, 1973, the U.S. Senate voted 88 to 3, against Article 21 of the Paris Peace Treaty, barring any type of aid to North Vietnam. On May 31, 1973, the U.S. Senate voted 56 to 25, against the Dole Amendment, removing President Nixon's authority to use the U.S. military to force the communists to account for the remaining American prisoners. The North Vietnamese never received their demanded war reparations and they never repatriated the remaining Americans. Only 45% (482) of the Americans listed in the MISSING/CAPTURED category were returned by the North Vietnamese during OPERATION HOMECOMING, only 20% (109) by the Viet Cong and none from Cambodia or Laos. Moreover, none of the Americans shipped to Red China and the Soviet Union for interrogation ever returned. In April 1974, Admiral Donald B. Whitmire, then director of the U.S. Pentagon Defense Intelligence Agency, signed and sent a secret report to all U.S. service intelligence chiefs, confirming beyond a doubt, that at least several hundred American prisoners of war were still alive and being held against their will in Southeast Asia.

As incredible as it sounds, in 1975, two years after the Paris Peace Accords were signed, a U.S. surveillance satellite observed and photographed a top secret, U.S. pilot distress signal at the Dong Mang prison, Route 183, North Vietnam. This satellite, photographed the letter "K" (military call for help) in Morse code on the rear roof-top of the Dong Mang prison. Notably, none of the 591 Americans returned during OPERATION HOMECOMING were held at the Dong

Mang prison.

In 1979, the Carter administration declared all but one American POW in Southeast Asia dead, even though U.S. Intelligence (NSA) was still tracking the movement of living American POWs in Vietnam, Cambodia and Laos. To uphold the integrity of the White House, as well as the honor of the communist Vietnamese both the United States Government and the Socialist Republic of Vietnam have consistently maintained and publicly denied, discredited and debunked all evidence pertaining to living American POWs.

In November 1980, a U.S. surveillance satellite observed and photographed thirty Caucasians standing in rank at the Nhommarath prison camp (dubbed Fort Apache) in Laos. This same satellite, also photographed several letters and numbers, including a "walking K" (top secret pilot distress signal) and a 52 or B 52 in a field at the prison camp, not to mention a radio intercept saying American POWs were being held at this location. Moreover, the U.S. Government has received and classified eleven firsthand, eyewitness, live sighting reports detailing American POWs in a captive situation in this same area in Laos.

Shortly before President Reagan's inauguration in 1981, Admiral Jerry O. Tuttle, deputy director of the Defense Intelligence Agency, briefed President Reagan and his advisers on the POW-MIA issue, including the Fort Apache satellite imagery and human intelligence. A reconnaissance and rescue mission was planned. However, after being leaked to the press, the rescue mission was compromised and therefore aborted.

An article in the July 13, 1992 issue of U.S. News & World Report stated:

- "...in secret testimony last week (before the Senate Select Committee on POW-MIA Affairs), a key Reagan administration official (Richard V. Allen, President Reagan's National Security Adviser) revealed that one week after Ronald Reagan's inauguration in 1981, Vietnam offered to free an unspecified number of American POWs in exchange for billions in U.S. foreign aid."

The article went on to state:

- "...Reagan's advisers, led by James Baker, then White House Chief of Staff, did not want the United States to appear to be paying ransom to Hanoi." So, Hanoi's offer was refused. This information was confirmed by several sources, including a former secret service agent (photographer) that actually overheard the White House conversation and two additional White House sources, as reported in the August 19, 1986 edition of the Wall Street Journal.

Furthermore, despite official denials, at least three additional Vietnamese

offers of selling back living American POWs were refused by the Carter (1977), Reagan (1984/1985) and Bush (1989) administrations.

In an official letter to President Ronald Reagan dated July 31, 1986, seven Congressional Representatives, members of the House Task Force on POW-MIAs stated:

- "...we have received repeated briefings by the Defense Intelligence Agency and have reviewed massive amounts of classified intelligence on our missing men...our analysis of the data is now complete. Based on the extensive classified briefings we have received and the volume and clarity of the information we have seen, we write to inform you that American POWs remain captive in communist prisons in Southeast Asia."

Their letter went on to state:

- "In short, we feel two things can be said with certainty: 1) our men remain prisoner against their will, and 2) it is long past time to bring them home." This official letter was signed by the honorable Robert K. Dornan, Christopher H. Smith, David Dreier, John C. Rowland, Bill Hendon, Frank McCLOSKEY, and Robert C. Smith.

In 1986, a U.S. Pentagon panel was commissioned by request of Congress to learn if any American prisoners of war were still alive in Southeast Asia. On September 30, 1986, the New York Times reported:

- "A Pentagon panel, after a five month review of intelligence files, has concluded that American prisoners of war are still alive in Southeast Asia. The head of the group, Lieut. Gen. Eugene F. Tighe, Jr., a former director of the Defense Intelligence Agency, said in an interview today that "a large volume of evidence points" to the likelihood that Americans are being held by the Vietnamese Government." Other members of the Pentagon review panel included Lyman Kirkpatrick, former inspector general of the Central Intelligence Agency; Gen. Russell Dougherty, former head of the Strategic Air Command; Gen. Bob Kingston, former commander of the United States Central Command.

On January 22, 1988, a U.S. surveillance satellite observed and photographed two U.S. military distress signals in a field near Sam Nua, Laos. This satellite photographed a "USA" and a "walking K" (top secret pilot distress signal) in a rice paddy. Not far away, another U.S. satellite picked-up and photographed the last name of an MIA in another rice paddy: The same area in Laos where ninety-one firsthand, eyewitness, live sighting reports detail groups of six to more than one hundred American POWs in a captive situation.

In July 1989, the Minority Investigating Staff of the U.S. Senate Committee

on Foreign Relations, under the direction of Senator Jesse Helms, R-N.C., and Senator Charles E. Grassley, R-Iowa, began an investigation regarding the fate of American prisoners of war/missing in action in Southeast Asia. On October 29, 1990, the Minority investigating staff released their Interim Report on the Southeast Asian POW-MIA Issue.

This official report stated:

- "The evidence indicates that the U.S. Government made a decision to abandon U.S. citizens still in the custody of the Socialist Republic of Vietnam, Laos and Cambodia, at the conclusion of U.S. involvement..."

This official report also stated:

- "Without revealing classified information...the information available to the U.S. Government does not rule out the probability that U.S. citizens are still being held in Southeast Asia."

Assuredly, the Minority Staff report stated:

- "The position held by the United States Government--namely, that no evidence exists that Americans are still being held against their will--cannot be supported. Rather, the information uncovered during this inquiry, provides enough corroboration to cast doubt upon the veracity of the U.S. Government's conclusion."

On February 12, 1991, Colonel Millard A. Peck, Chief of the U.S. Pentagon's Special Office for Prisoners of War/Missing in Action, resigned in disgust. Colonel Peck called the White House claims of resolving the POW-MIA issue a "travesty." In his letter of resignation, Colonel Peck used terms and phrases as "The Harsh Reality", "abandoned in Indochina", "cover-up", "mindset to debunk", "Duty, Honor and Integrity", "charade", and "unscrupulous people in the Government."

Colonel Peck said in a January 15, 1994, interview with THIS WEEK NEWS, he was ordered to provide the Socialist Republic of Vietnam with firsthand, eyewitness, live sighting reports of American POWs in communist captivity, including names, sources and witnesses.

Colonel Peck also stated:

- "The whole idea was we had to kill off these guys (POW-MIAs) so we could do a fast track to normalization, because that was Vessey's (General John Vessey, President Reagan, Bush and Clinton's special emissary to Hanoi) mission — kill all the discrepancies..."

Colonel Peck went on to state:

- ┘ "They (American POWs) are still alive and the Vietnamese will keep

them that way until they get everything they want."

Furthermore, Colonel Peck is not alone in his assessment of the U.S. government's handling of the POW-MIA problem. The Gaines Report, Tighe Report and the Brooks Memorandums, named for those U.S. intelligence experts writing these reports, all condemn the U.S. government's handling of the POW-MIA problem, not to mention the Tighe Report confirming American POWs were still alive in Vietnam and Laos in 1986, when the Tighe Report was written.

On May 23, 1991, the Minority Investigating Staff of the U.S. Senate Committee on Foreign Relations released its final report: *An Examination of U.S. Policy Toward POW/MIAs*. This report was a real shocker. The report details how American prisoners of war were abandoned, not only from the Vietnam War, but also from the Korean War and World War II. Anyone reading this 112 page report was brought to one inescapable conclusion: High ranking government officials are determined to conceal the truth about American POWs, even at the high cost of treason, sedition and genocide.

According to a Senate intelligence briefing, written by a staff investigator of the Senate Select Committee on POW-MIA Affairs dated April 8, 1992:

- Q "THE INTELLIGENCE INDICATES THAT AMERICAN PRISONERS OF WAR HAVE BEEN HELD CONTINUOUSLY AFTER OPERATION HOMECOMING AND REMAIN IN CAPTIVITY IN VIETNAM AND LAOS (AT LEAST) AS LATE AS 1989."

Moreover, according to several statements of record, written by staff investigators of the Senate Select Committee on POW-MIA Affairs, Senator John Forbes Kerry, D-MASS., then Chairman of the Senate Select Committee on POW-MIA Affairs, ordered the willful destruction of said intelligence briefing.

Furthermore, on June 3, 1992, five staff investigators of the Senate Select Committee on POW-MIA Affairs, listed on Senate stationery, the number of American POWs they believed, according to the evidence, were still alive in Vietnam and Laos. The numbers averaged 325 American POWs in Vietnam and 262 American POWs in Laos. Again, Senator John Forbes Kerry ordered the willful destruction of this Senate document.

Two days later, on June 5, 1992 (seventeen years after the first U.S. satellite photo was taken at the Dong Mang prison), a U.S. surveillance satellite observed and photographed several U.S. military distress signals in front of the Dong Mang (also known as the Dong Dang, Dong Vai, Quang Ninh, Quang Bo) prison, Route 183, North Vietnam. This time, the satellite photographed the last name of Major Henry "SEREX" and a coded rescue message "72TA88" in a field in

front of the prison. This same satellite also photographed the top secret, personal, U.S. military authenticator code of Lt. Peter Matthes "GX2527" in another nearby field. Both of these Americans (Serex & Matthes) are officially listed as missing in action from the Vietnam War. Remarkably, the U.S. Government has received and classified seventeen firsthand, eyewitness, live-sighting reports detailing groups of five to more than fifty American POWs in a captive situation at this same location.

Notably, the United States Government has received and classified more than two dozen additional satellite photographs containing personal, U.S. military authenticator codes and pilot distress signals, not to mention more than 900 additional, firsthand, eyewitness, live sighting reports detailing American POWs in a captive situation in Vietnam and Laos. In 1983 and 1984, Admiral Paulson and General Williams (U.S. intelligence experts) testified before Congress and stated 92% to 97% of the refugee reports regarding American POWs in Southeast Asia were truthful and accurate.

On April 2, 1992, under penalty of perjury, in room S-407 in the Capital, the witness, Brigadier General Thomas Edwin Lacy, told J. William Codinha, Chief Counsel of the Senate Select Committee on POW-MIA Affairs, along with several staff investigators and Senator Robert C. Smith: While working covertly for President Ronald Reagan in the late 1980s, he found U.S. Air Force Colonel Dean A. "Pogreba" (a personal friend of Lacy), who's aircraft was shot down on October 5, 1965 over the North Vietnam/China border, in a "cell" at Bao Ninh, Vietnam (approximately 30 miles northeast of Hanoi). Brigadier General Lacy stated:

- "That he (Pogreba) thought the government abandoned him there. He knew that the war was over. He had been told that his wife had remarried, that she no longer loved him."

Senator Robert C. Smith told General Lacy:

- "I'm not here to call you a liar. I just want to make it very clearly understood that you have been sworn and that you are saying that you saw a live American prisoners of war and that you spoke with him, and you've identified him."

General Lacy answered Senator Smith by saying:

- ┘ "In January of 1989...Yes, sir."

Senator Smith went on to state:

- "And you swear that that is the truth?"

General Lacy stated:

- "Yes, sir, without any mental, physical, moral reservation whatsoever."

Brigadier General Thomas Edwin Lacy was never charged with perjury by the U.S. Government. Could it possibly be, because General Lacy told the truth?

During the week of September 21, 1992, many former high ranking Nixon administration officials testified before the Senate Select Committee on POW-MIA Affairs. Notably, all but Dr. Henry Kissinger, testified in varying degrees that the United States Government knew in 1973, that American prisoners of war were left behind in Southeast Asia. Nixon Secretaries, Elliot Richardson, James Schlesinger and Melvin Laird said they could come to no other conclusion: American POWs were left behind. Lt. General Richard Secord said that it was "absurd" not to believe American POWs remained in communist captivity after the end of the Vietnam War. Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff said that the White House "didn't have the stomach" to continue to fight for a full accounting of American POWs after the end of the Vietnam War.

On January 13, 1993, the Senate Select Committee on POW-MIA Affairs issued its final report regarding the fate of American prisoners of war/missing in action in Southeast Asia and ended its investigation. The final report listed a majority and a minority view. The majority (blind leading the blind) view was, some American POWs may have survived in captivity, for a short while, after the end of the Vietnam War, but no evidence exists that any American POWs are still alive. The minority (reasonable) view was, the evidence indicates that some American POWs survived in communist captivity from 1973 through at least 1989. In a letter to the Freedom Foundation, Inc. dated September 29, 1993, Senator Robert C. Smith, former Vice Chairman of the Senate Select Committee on POW-MIA Affairs, clarified the minority view and stated:

- "Senator Grassley (R-IA) and I believed that certain eyewitness accounts of POWs after the Vietnam War, along with certain satellite photos and National Security Agency enemy radio intercepts, represented a strong possibility that American POWs may have survived to the present."

In January 1993, Dr. Stephen J. Morris, a Harvard University researcher, found a Vietnamese/Russian translation of a North Vietnamese Generals' report in the Soviet Communist Party archives dated September 15, 1972. The author of the report, Lt. General Tran Van Quang, then Deputy Chief of Staff of the North Vietnamese Army, reported to the North Vietnamese Politburo that the North Vietnamese were holding "1205" American prisoners of war in North Vietnam. If no other Americans were captured from September 15, 1972 (which there were) through the end of the Vietnam War, January 27, 1973, then "1205" American POWs should have been repatriated by the North Vietnamese during

OPERATION HOMECOMING. Only 591 American POWs were returned by the North Vietnamese and the Viet Cong during **OPERATION HOMECOMING**: One hundred and nine by the Viet Cong (South Vietnam) and 482 by the North Vietnamese (North Vietnam). At the very least, seven hundred and twenty three (723) American POWs were not returned by the North Vietnamese at the end of the Vietnam War. The authenticity of the Quang report was confirmed by General Dmitri Volkogonov, a Russian military researcher on the Russian/American commission for POW-MIAs, as well as many U.S. intelligence experts.

As you know, President Clinton's Commerce Secretary Ron Brown, along with various associates were under investigation by the FBI and a federal grand jury in Miami for allegedly selling his influence to Vietnam, to ease the U.S. trade embargo against the Socialist Republic of Vietnam for a \$700,000 payoff plus a percentage of the royalties generated by U.S. oil companies and U.S. business. Miraculously, two days before President Clinton lifted the U.S. trade embargo against Vietnam, comrade-Brown was cleared of all charges and violations. Notably, all of this happened after FBI director William Sessions was forced to retire.

On July 2, 1993, our Commander in Chief, William J. Clinton (a long time member of the Trilateral Commission, now promoted to the senior Bilderberger group) signaled his willingness to improve relations with the Socialist Republic of Vietnam, by clearing the way for Vietnam to refinance \$140 million in delinquent debts with the International Monetary Fund. Again, on September 13, 1993, the Clinton White House further eased U.S. trade sanctions against Vietnam, by allowing U.S. construction companies to bid on development projects in Vietnam, financed by the I.M.F., World Bank and other international lending institutions. Thereby, paving the way to end the U.S. trade embargo against the Socialist Republic of Vietnam and relinquish the only leverage the U.S. had to negotiate the release and return of living American POWs.

On January 27, 1994, the ill-advised Senate voted 62 to 38, in favor of lifting the U.S. trade embargo against the Socialist Republic of Vietnam. Only the Commander in Chief had the power to lift the trade embargo against Vietnam, as the original trade embargo was placed by **EXECUTIVE ORDER**. However, the Senate vote gave President Clinton the extra support he needed to lift the embargo.

To put it as simply as possible, the POW-MIA issue is not a politically correct issue. No one in Washington, D.C., including President's Nixon, Ford, Carter, Reagan, Bush or Clinton had the courage to address, correct and resolve the **POW-MIA HOSTAGE CRISIS**. Big business, including world bankers

(Bilderbergers) and U.S. oil companies want to rebuild Vietnam and exploit Vietnam's natural resources (oil, gas and cheap labor). The POW-MIA issue, does not fit in with the Bilderberger plan for the NEW WORLD ORDER (ONE WORLD GOVERNMENT, ARMY & MONETARY SYSTEM).

Other than a handful of patriots, the lobbyist controlled Congress deliberately obfuscated its Congressional oversight on the POW-MIA issue, by allowing the smooth talking Hanoi shoe-shine boys, Senator John Forbes (lets make a deal) Kerry, D-MASS., and Senator John (communist embracer) McCain, R-AZ., to use political legerdemain and rhetoric to deny, discredit, debunk and confuse America on the POW-MIA issue, by saying no evidence exists that any American POWs remained alive in Vietnam or Laos. That is simply a blatant lie!

As far as the mainstream news-media services are concerned, many journalists, commuters, talk show hosts, producers and editors are members of the Trilateral Commission and Council on Foreign Relations: So much, for the truth about American POWs being reported.

So who are these Americans, kidnaped by the Vietnamese, abandoned and betrayed by their own government: the United States Government?

- They are the husbands, fathers, sons and brothers of America.

Who are these Americans?

- They are the Americans that the communist enemy couldn't break during the Vietnam War.

Who are these Americans?

- They are the magnificent bastards that refused to die on their own. They are the POWs and MIAs that Congress and the Clinton White House think are expendable!

The question: What will the Socialist Republic of Vietnam do now with the living American POWs under their control, release and return, retain in captivity or bury (assassinate) those still remaining? What do you think?

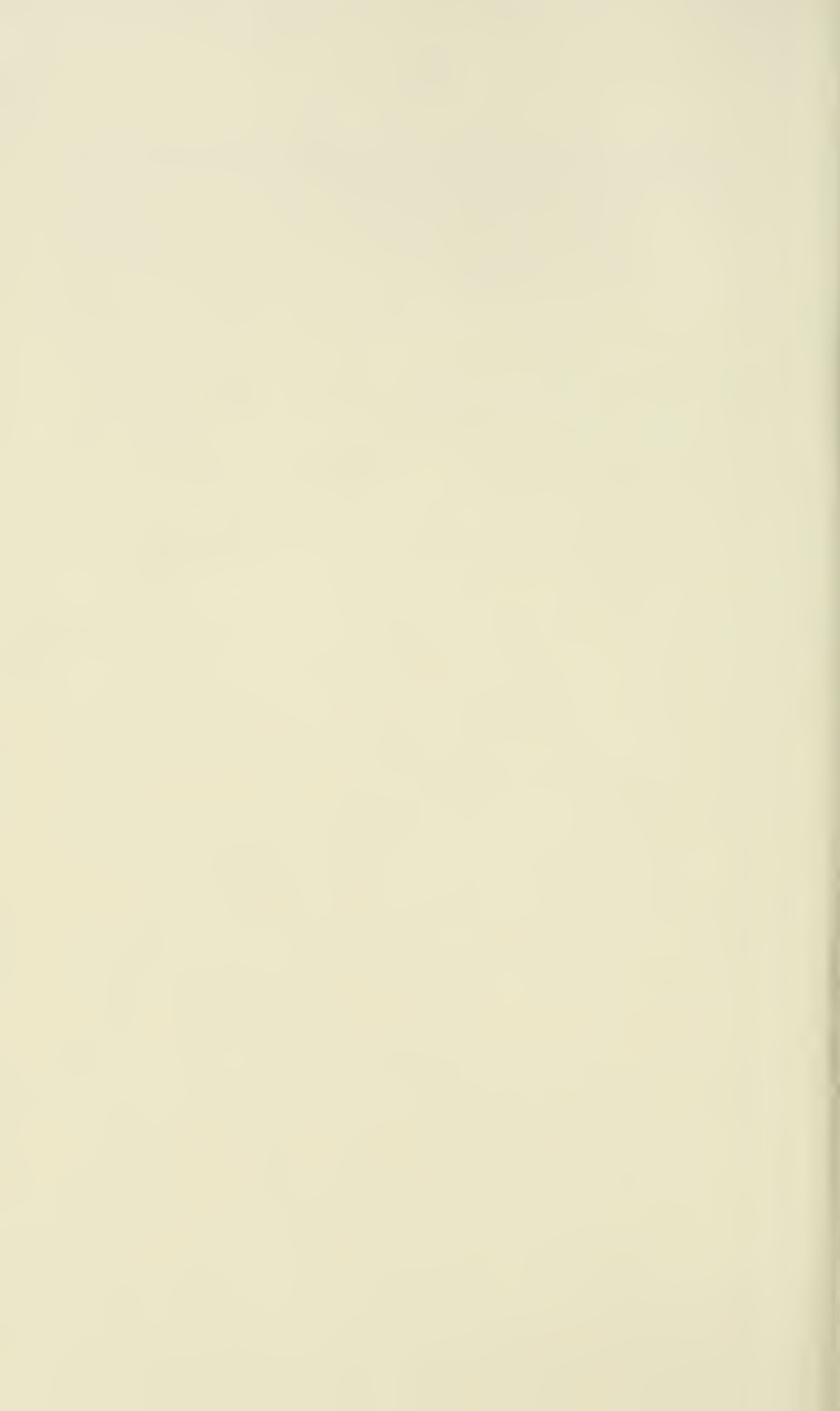
Respectfully Submitted,

Dan De Mauro

Dan DeMauro, President

Freedom Foundation, Inc.





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